UNITED
NATIONS

CRC

Convention on the Right of the Child

Distr.
GENERAL

CRC/C/11/Add.2
1 June 1994

ENGLISH
Original : FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

TUNISIA

[16 May 1994]

GE.94-16860(EXT)

CONTENTS

		Paragraphs	Page
I.	GENERAL IMPLEMENTATION MEASURES	1 - 35	5
A.	Measures adopted to bring national legislation and policy into line with the provisions of the Convention	2 - 15	5
B.	Existing mechanisms to coordinate policies and monitor the implementation of the Convention	16 - 25	9
C.	Measures to publicize the contents of the Convention	26 - 32	11
D.	Measures adopted or to be adopted to circulate the report to the general public in Tunisia	33 - 35	12
II.	DEFINITION OF THE CHILD	36 - 54	13
A.	Borderline cases	37 - 38	13
B.	Other definitions of the child	39 - 54	14
III.	GENERAL PRINCIPLES	55 - 82	17
A.	Non-discrimination	57 - 63	17
B.	Best interests of the child	64 - 72	18
C.	The right of the child to life, survival and development	73 - 76	20
D.	Respect for the views of the child	77 - 82	21
IV.	CIVIL RIGHTS AND FREEDOM	83 - 110	22
A.	Name and nationality	83 - 89	22
B.	Preservation of identity	90	23
C.	Freedom of expression	91 - 92	23
D.	Access to information	93 - 99	24
E.	Freedom of thought, conscience and religion	100 - 105	24
F.	Freedom of association and of peaceful assembly	106	25
G.	Protection of privacy	107	25
H.	The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment	108 - 110	25

CONTENTS (continued)

		Paragraphs	Page
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	111 - 141	26
	A. Parental guidance	114 - 117	26
	B. Parental responsibilities	118 - 119	27
	C. Separation from parents	120	27
	D. Family reunification	121 - 122	27
	E. Recovery of maintenance for the child . . .	123	28
	F. Children deprived of a family environment .	124 - 128	28
	G. Adoption	129 - 138	29
	H. Illicit transfer and non-return	139	31
	I. Abuse and neglect	140 - 141	31
VI.	BASIC HEALTH AND WELFARE	142 - 217	31
	A. Survival and development	146 - 178	32
	B. Disabled children	179 - 193	37
	C. Health and health services	194 - 204	41
	D. Social security and child-care services and facilities	205 - 209	43
	E. Standard of living	210 - 217	44
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES . . .	218 - 247	45
	A. Education, including vocational training and guidance	218 - 230	45
	B. Aims of education	231 - 234	48
	C. Leisure, recreation and cultural activities	235 - 247	49
VIII.	SPECIAL PROTECTION MEASURES	248 - 289	51
	A. Children in situations of emergency	250 - 251	51
	B. Children in conflict with the law	252 - 273	51
	C. Children in situations of exploitation, including physical and psychological recovery and social reintegration	274 - 288	59
	D. Children belonging to a minority or an indigenous group	289	61

Annexes*

1. Act No. 93-74, of 12 July 1993, amending certain articles of the Personal Status Code

2. Act No. 91-65, of 29 July 1991, on the educational system

3. Act No. 92-94, of 26 October 1992 to establish a pilot centre for the observation of minors

4. Act No. 93-73, of 12 July 1993, amending certain articles of the Code of Criminal Procedure

5. National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children in the 1990s.

6. Act No. 93-62, of 23 June 1993, amending article 12 of the Tunisian Nationality Code + Tunisian Nationality Code of 1990.

---

* May be consulted in the Centre for Human Rights

I. GENERAL IMPLEMENTATION MEASURES

1. By ratifying the Convention on the Rights of the Child (Act No. 91-93 of 29 November 1991) and immediately publishing it in the official gazette (Decree No. 1865 of 10 December 1991), Tunisia contracted a new international obligation in the area of promoting and protecting human rights, where it has already acceded to the most relevant international instruments. By the ratification of the Convention, Tunisia has committed itself to adopting a set of legislative, administrative and social measures and to giving a new impetus to the comprehensive programmes, initiated since independence, with a view to achieving:

(a) An improved alignment of its legislation and policy with the provisions of the Convention; and

(b) The introduction of machinery, at the national and local levels, to coordinate action on behalf of children and to monitor the implementation of the policy thus defined.

A. Measures adopted to bring national legislation and policy into line with the provisions of the Convention

2. There are many such measures which will be examined in detail in connection with the various headings below. For the moment, it will suffice to summarize, briefly, the chief measures devised since the adoption of the Convention on the Rights of the Child and to highlight their approaches and their implications for the relationships between children and their main partners, namely, the family and the State.

1. Legislative measures concerning the relations of the child and his family

3. For the purpose of the ratification of the Convention, Tunisia began resolutely a process of reforming family law with a view to gradually substituting the concept of the responsibility of the parents for that of authority over the child. This point will be developed at length below, particularly in chapter V. In that respect, Tunisian law is moving towards a new idea of the parent-child relationship by ensuring that the recognition of parental authority is, in particular, a recognition of the responsibility to protect and to educate, i.e., is substantially a recognition of, or possibly an appeal to, the dignity of being parents.

4. Act No. 93-74 of 12 July 1993, "amending certain articles of the Personal Status Code (CSP)" is a perfect illustration of this (annex I). The dominant idea of this reform goes beyond the strengthening in Tunisia of achievements in the area of women's rights and the gradual abolition of all discrimination against women to become part of an overall vision tending to the promotion of the family in general and the rights of the child in particular:

(a) Article 23 (new): statement of the principle that the two spouses "cooperate in the management of the family affairs, the proper education of the children and in the management of the latter's affairs, including teaching, travel and financial transactions".

(b) Article 46 (new): prolongation of the right of children to maintenance "... until they reach the age of majority or, beyond majority,

until the end of their studies, provided that they do not exceed the age of 25 years". The same text adds, in the case of a daughter, that she shall "continue to have a right to maintenance as long as she has no resources of her own or is not the responsibility of her husband";

(c) Article 32 (new): amendment of the divorce procedure by the requirement, if the family contains one or more minor children, that three reconciliation meetings be held, each of them at least "30 days after that which preceded it";

(d) Article 67 (new): while taking up the principle that custody is given, in the event of the dissolution of the marriage, either to one of the two spouses or to a third person "taking into consideration the best interests of the child", this article introduces new provisions conferring upon the mother, if custody is granted to her, the "prerogatives of tutorship with respect to the child's travel and studies and the management of his or her financial accounts." What is more, the judge is empowered to entrust to the mother having custody of the child the other powers of tutorship "if the tutor is incapable of exercising them, evidences abusive behaviour in his mission, neglects to carry out properly the obligations arising from his trust, leaves his residence and becomes without fixed abode, or for any other cause prejudicial to the best interests of the child";

(e) Article 53 bis (new): establishment of the "Maintenance and Alimony Guarantee Fund." This Guarantee Fund "will effect maintenance or alimony payments forming the subject of final judgements given to the benefit of women and of children issued from their unions with the debtors, but which have not been executed by reason of the latter's procrastination." The text adds that the Guarantee Fund "is surrogate to the beneficiaries of the judgement for the recovery of the sums that it has paid".

2. Legislative and regulatory measures adopted in the relations between children and the State

5. Beyond the general obligation incumbent upon the State to supply a legal framework suitable for the development and the protection of the rights of the child, it is invited by the Convention to ensure, in particular, some specific obligations towards the child. One might say that it is the direct debtor in respect of a number of rights recognized to the child which are generally of a nature to promote the child's rights to survival, protection and development.

6. Under this heading, we shall restrict ourselves to summarizing briefly the legislative and regulatory measures adopted in Tunisia since the ratification of the Convention and, in the case of obligations assumed by the State by virtue of texts and measures prior to the Convention, to referring to the headings below.

(a) The right to education: Act No. 91-65, of 29 July 1991, "on the educational system" (see annex II)

7. Shortly after the signature of the Convention on the Rights of the Child and even before its ratification by the National Assembly (above-mentioned Act of 29 November 1991), Tunisia adopted, on 29 July 1991, a new Act to reform the education system. This Act was the fruit of broad consultations affecting, in addition to teachers, educators and their representatives in the various pedagogic and trade-union structures, all the living components of the

nation: political parties, national organizations, associations, etc. to the extent of undoubtedly constituting today one of the major achievements of the work of change carried out in Tunisia since 1987.

8. We read there, in particular, that "the State guarantees, free of charge, to all those of school-attendance age, the right to schooling and offers to all the pupils, so long as they are able to pursue their studies regularly in accordance with the regulations in force, the maximum equality of chances to benefit from this right ..." (article 4 of the Act). Article 7 of this Act adds, for the first time, the principle that basic education - the duration of which is fixed at nine years by article 4 - "is compulsory from the age of six onwards for every pupil able to pursue regularly his or her studies ...".

9. Echoing, incidentally, article 29 of the Convention on the Rights of the Child, article 1 of the aforesaid Act of 29 July 1991 assigns to education the following purposes, in particular:

"To offer young people, from their earliest childhood, what they should learn in order to consolidate within them awareness of Tunisian national identity, to develop civic sense and the feeling of belonging to the national, North African, Arab and Islamic civilization and to strengthen their openness to modernity and human civilization:

"To bring up the young generations in faithfulness and loyalty to Tunisia;

"To prepare young people for a life which has no room for any kind of discrimination or segregation based on sex, social origin, race or religion, etc.".

Other regulatory texts, in the form of decrees, have since appeared translating into practice - we shall come back to them - the principles thus formulated by the Act at all levels of education: primary, secondary and university.

(b) The right to vocational training

10. Echoing article 28, paragraph 1, subparagraph (d), of the Convention on the Rights of the Child, which invites the States parties to "make educational and vocational information and guidance available and accessible to all children", and other relevant international instruments such as, in particular, ILO Convention No. 142 "concerning vocational guidance and vocational training in the development of human resources" (ratified by Tunisia on 27 June 1988), Tunisia has committed itself to giving a new impetus to actions and programmes which have, since independence, constituted a major concern of its economic and social policy.

11. The recent establishment of a new Ministry of Vocational Training and Employment is an indication of the will of the State to succeed in opening the programmes to the greatest possible number of young people in search of qualifications, to ensure that vocational training is properly adjusted to the job-creating sectors and thus to guarantee that these young people have a real chance of acquiring the qualifications needed to obtain suitable employment.

12. The measures adopted are, inter alia, the following:

(a) Act No. 93-10, of 17 February 1993, "on the guidance of vocational training";

(b) Act No. 93-11, of 17 February 1993, "to establish the Tunisian Employment Agency and the Tunisian Vocational Training Agency";

(c) Act No. 93-12, of 17 February 1993, "to establish a National Centre for the Training of Teachers and the Study and Development of Training Projects and a National Continuous Training and Professional Promotion Centre"; and

(d) Act No. 93-17, of 22 February 1993, "amending and complementing Act No. 91-75, of 9 August 1991 on the promotion of juvenile employment.
All these acts were, incidentally, followed by implementing decrees.

(c) Delinquent children

13. The Code of Criminal Procedures (CCP) of 24 July 1968 already includes a large proportion of the principles and ideals contained in the Convention on the Rights of the Child (article 40) and in two General Assembly resolutions (resolution 45/112 of 28 March 1991 entitled United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and resolution 45/113 of 2 April 1991 entitled United Nations Rules for the Protection of Juveniles Deprived of their Liberty).

14. We shall limit ourselves, here, to the recent Act No. 92-94, of 26 October 1992, "to establish a pilot centre for the observation of minors" (annex III). This centre is subordinate to the Ministry of Social Affairs and has as its mission, according to article 2 of the Act:

"To receive minors at the direction of the Juvenile Court; and

To subject the minors so placed to a study of their personalities by experts in the social sciences, in psychology, in education and in medicine, with a view to determining the motives for their delinquency and their personality characteristics as well as appropriate ways of rehabilitating them."

This report is transmitted within a month of the placement of the child in the centre. If necessary, this deadline can be postponed, by a period of one month only, by the competent court (see chapter VII).

15. Act No. 93-73, of 12 July 1993, "amending certain articles of the Code of Criminal Procedure" (annex IV) has substantially changed several provisions of chapter VII of the CCP, entitled "Juvenile courts". Ten articles have been amended or supplemented by new provisions designed to ensure that the child receives a treatment such as to encourage his or her sense of dignity and personal value and which takes into account his or her age and all the other aspects of his or her situation and the need to facilitate the child's reintegration into society. A detailed assessment of this Act will be made in chapter VIII.

B. Existing measures to coordinate policies and to monitor the implementation of the Convention

16. Tunisia participated in the World Summit for Children, held on 30 September 1990 at United Nations Headquarters in New York, at which the Heads of State or Government of 71 countries throughout the entire world adopted the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for the implementation of that Declaration.

17. Consequently, in January 1992, Tunisia established its own "National Plan of Action for the Survival, Protection and Development of Children" (annex V), as a result of some national days in which all the departments, organizations and associations concerned with juvenile matters took part. This National Plan of Action identifies a set of strategies and fixes the main objectives which will be recalled under the various headings below (health, education, protection of children living in difficult situations, and so forth). Under the present heading, we shall limit ourselves to the chief coordination and monitoring measures put into place in recent years.

1. Ministry of Youth and Infancy

18. By Decree No. 89-278, of 13 February 1989, the Ministry of Youth and Sports changed its name and became the Ministry of Youth and Infancy: this clearly reveals the will to pay more attention to the childhood sector and to give absolute priority to educational programmes for the benefit of children and young people.

2. Higher Council for Children

19. The Higher Council for Children was established in the Ministry of Youth and Infancy, by Decree No. 90-519, of 22 March 1990, amending Decree No. 88/93, of 21 May 1988. The task of the Higher Council for Children is to assist the Minister of Youth and Infancy in preparing the Government's general policy with respect to children. In this context, it is inter alia responsible for:

(a) Improving awareness of the situation and needs of children and suggesting ways of developing scientific research and studies, statistics on the condition of children and the assessment of children's needs;

(b) Helping to define a coherent strategy for the enhancement of children and the assessment of their needs;

(c) Helping to define a policy for the training of specialists in the affairs of children, including children with special needs;

(d) Identifying any activities capable of bringing out the child's aptitudes, helping his or her development and the achievement of his or her aspirations and enhancing his or her self-reliance;

(e) Proposing measures to protect the child from being abandoned, ill-treated or exploited and from all kinds of disability, and to strengthen the role of the family in satisfying its children's needs;

(f) Proposing measures to develop the protection of children having special needs, such as disabled children, delinquents and destitute children without support, and to promote the role of non-governmental organizations and associations in the care, training and rehabilitation of such children;

(g) Identifying what can be done to make society aware of the needs of children and of the factors that promote their development and their protection against disabilities, abandonment and the various health, social and moral hazards; and

(h) Proposing all legal measures and all programmes likely to contribute to the achievement of the objectives fixed for the enhancement of children.

3. Ministry of Social Affairs

20. A programme of social action in the schools has been established by the Ministry of Education and the Sciences with the main objective of reducing failure and drop-out rates which affect, annually, about 150,000 pupils of the two sexes (100,000 from primary schools and 50,000 from secondary schools). The programme is also aimed at preventing juvenile delinquency and assisting low-income families.

21. In the year 1991/92, this programme covered 338 schools (203 primary schools and 135 secondary schools) and involved 172 social workers. During the first months of 1992 alone, the programme dealt with more than 7000 situations, the difficulties involved being pinpointed and distributed as follows: poverty (1166), absenteeism (846), family problems (798), poor sight (744), violence and delinquency (689), disabilities (587), health problems (423), poor academic results (368), emigration (157) and housing problems (47).

22. Assistance to children lacking a family environment forms part of the National Social Defence Programme and relates to natural children and children deprived of family support. It is aimed mainly at achieving:

(a) A better understanding of the phenomenon of births out of wedlock, by research into prevention and the treatment of the resulting consequences;

(b) Putting the services of the National Institute for the Protection of Children in touch with the families and persons concerned; and

(c) Establishing a databank of replacement families which are candidates for one of the following methods: adoption, family placement and unofficial tutorship (kafala).

23. The programme has been substantially strengthened since the adoption of Decree No. 1005, of 26 June 1991, reorganizing the National Institute for the Protection of Children: new directorates have been established and specialized services introduced to develop the Institute's activities and to ensure the necessary coordination and complementarity of the following tasks:

(a) Protection of abandoned children and their guidance for the purposes of adoption, family placement or unofficial tutorship (kafala);

(b) Research into births out of wedlock and the situation of unmarried mothers; and

(c) Sensitization, education and training of social workers and other auxiliaries employed in the hospitals and maternity clinics, etc.

24. Social defence programmes comprise:

(a) The National Social Defence and Integration Plan: this Plan, which was launched by the Ministry of Social Affairs, is intended to coordinate and develop prevention activities and the sociological integration of young delinquents or children in danger of delinquency and marginalization; and

(b) Social Defence and Integration Centres: these centres have been established in certain urban and suburban areas of the Governorates of Tunis and Ariana. They coordinate prevention and sociological integration activities in cooperation with the services of the various departments concerned. The first centre was established in the Ettadhamen housing estate (Governorate of Tunis) by the Finance Act of 31 December 19991 (article 101).

4. Future prospects

25. Other mechanisms will shortly be introduced, as a result of the decision, announced by the Head of State on 13 November 1993, to endow Tunisia with a new Child Protection Code, bringing together all the rights, activities and protective measures concerning children, particularly those of them living in difficult situations.

C. Measures adopted to publicize the contents of the Convention

26. It might be said that, although it is true that the promotion of the rights of the child requires an ongoing action of harmonizing domestic policy and law with the values and principles of the Convention, legal and other formal measures could well be ineffective if not accompanied by others designed to instil those values and principles into the population as a whole, including the decision-makers.

27. Being aware of this teaching approach, which is particularly characteristic of the Convention on the Rights of the Child as compared with other international instruments, the Tunisian State launched, even before ratification of the Convention and throughout the last few years, a broad publicity and public-education programme, mobilizing all the departments, public and private structures, associations and other organizations concerned with juvenile matters.

28. It was started by the President of the Republic himself, who announced the accession of Tunisia to the Convention and ordered, as soon as it had been ratified by the Chamber of Deputies (Act of 29 November 1991, aforesaid), its publication in the official gazette (Decree No. 1865 of 10 December 1991). Tunisia's participation in the World Summit for Children was a unique opportunity of widely publicizing the Convention. The result was a national mobilization which culminated in the adoption of a National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children.

29. Among the measures adopted by the various ministries, we may mention, in particular, those approved by the Ministry of Education and the Sciences in the framework of the comprehensive reform of the educational system (Act No. 91-65 of 29 July 1991, mentioned above). The teaching of human rights, in general, and the rights of the child, in particular, has been included in the revised education curricula. The subject (civic instruction) together with the subjects of history and the study of civilizations recapitulate the main principles and objectives assigned to education by the Convention on the Rights of the Child (article 29) and by article 1 of the aforesaid 1991 Act. All these new programmes, which were, incidentally, defined by decrees issued to implement the 1991 Act, have formed the subject of special training sessions for teachers and educators. Most of the other ministries (Youth and Infancy, Social Affairs, Women and the Family, Health, Justice etc.) have organized, each in its own sphere, similar sensitization activities.

30. It is difficult to enumerate the events organized by associations and other non-governmental organizations to publicize the principles of the Convention. With the constant support of the public authorities and in cooperation with various State organs, these associations are making an essential contribution in this area.

31. For example, we may mention that the Arab Institute for Human Rights, shortly after its establishment and only 10 days after the adoption by the United Nations General Assembly of the Convention on the Rights of the Child, organized on 10 December 1989 its first public meeting at the Ibn Khaldoun House of Culture, Tunis, on the subject of "The new Convention on the Rights of the Child". The Ligue Tunisienne pour la Défense des Droits de l'Homme (LTDH), for its part, organized on 29, 30 and 31 October 1990, at Tunis, an African seminar on "The Rights of the Child", in collaboration with the Arab Institute for Human Rights and with the support of UNICEF and the Ministries of Youth and Infancy, Education and the Sciences, Social Affairs and Public Health.

32. Other organizations and associations continue to play a primary role in publicizing widely the rights of the child. We may mention, in particular, the Organisation Tunisienne de l'Education et de la Famille, the Union Nationale de la Femme Tunisienne (UNFT), the Voix de l'Enfant, etc.

D. Measures adopted or to be adopted to circulate the report to the general public in Tunisia

33. Throughout the stage of preparing this report, the question of the rights of the child has been at the centre of discussions and thinking of a number of actors: the senior officials and experts from the various ministries who participated in the preparation of the report but also the members of the Higher Council for Children, to whom the report was submitted for consideration and who expressed their views, both in writing and orally, at the special meeting of the Council held for that purpose on 24 December 1993.

34. With due regard for all the observations and comments thus formulated, the draft report was completed and submitted in its final version to the Head of State, who himself ordered that it be published in an ample edition by 11 January 1994, on the occasion of the National Day of the Child.

35. Moreover, arrangements have been made to hold a press conference and several public meetings so as to give wide publicity to the contents of this

report, particularly the achievements on behalf of children and the prospects of realizing more completely the right of the child to survival, protection and development.

II. DEFINITION OF THE CHILD

36. The legal regime applicable to the child in Tunisian law concerns, in fact, a multitude of situations according to the branch of law considered. The child is not a uniform legal entity but a dynamic and variable entity which depends, for its identification, on the objectives assigned to the various branches of the law.

A. Borderline cases

1. Above the legal majority and up to the age of 25

37. On this subject, we must recall the provisions of the above-mentioned article 46 (new) of Act No. 93-74, of 12 July 1993, "amending certain articles of the Personal Status Code", which prolongs the right of children to maintenance "until they reach the age of majority or, beyond majority, until the end of their studies, provided that they do not exceed the age of 25 years." And, in the case of a daughter, the same article adds that she shall "continue to have a right to maintenance as long as she has no resources of her own or is not the responsibility of her husband".

2. Before birth

38. Act No. 73-57 of 19 November 1973 introduced new regulations concerning the deliberate interruption of pregnancy - before the end of the first three months - and therapeutic abortion - at any stage of pregnancy - and amended in that regard the provisions of article 214 of the Criminal Code of 1913 to read:

> "Artificial interruption of pregnancy shall be permitted when it is carried out during the first three months in a hospital or health establishment or authorized clinic by a medical practitioner legally exercising his profession.
>
> After three months, interruption of pregnancy may also be practised, if the health of the mother or her psychiatric balance is in danger of being compromised by the continuation of the pregnancy or if the child to be born would be in danger of suffering from a disease or a serious infirmity. In this case, it must take place in an establishment approved for the purpose.
>
> The interruption referred to in the previous paragraph must take place on presentation of a report by the attending physician to the physician who is to carry out the said interruption."

This is a criminal-law text which means that procured abortion or abortion by others is, in principle, an offence, apart from the exceptions and the time-limits established by the law. It is an attempt to reconcile two essential objectives: liberalization of abortion, on the one hand, and protection of the inherent right to life of the child, even before birth, on the other (see chapter III, section C).

B. Other definitions of the child

1. In civil law

39. The incapacity of children under 20 years of age to exercise certain functions. A child under 13 years of age is completely incapacitated to exercise functions since he or she is "considered to be lacking in discrimination and all his or her acts are null and void" (article 156, paragraph 1, of the Personal Status Code, also article 5 of the Obligations and Contracts Code). A child between 13 and 20 years of age has a restricted capacity to exercise functions, being "considered to be able to discriminate. His or her acts shall be valid in as much as they procure only advantages, and null and void if they result only in disadvantages. Apart from these two cases, their validity shall be subordinated to the agreement of the tutor" (article 156 of the Personal Status Code and article 9 of the Obligations and Contracts Code).

40. Consultation of a lawyer or doctor. These acts may be carried out by the child under article 156 of the Personal Status Code and article 9 of the Obligations and Contracts Code since they "procure only advantages" (article 156, aforesaid).

41. The aforesaid Act No. 73-57 of 19 November 1973 has removed all the earlier restrictions on the deliberate interruption of pregnancy and no longer poses conditions regarding age or civil status: an unmarried minor woman may, on the conditions established, have recourse to abortion without any need of authorization.

42. Statutory emancipation relates to a child over 15 years of age (article 159 of the Personal Status Code). Article 158 empowers a judge to grant to a child emancipation which may be "restricted or absolute". The judge shall be entitled to "withdraw it in the case of need". The above-mentioned new Act of 12 July 1993, "amending certain articles of the Personal Status Code" introduces a new provision (new article 153). While maintaining the principle that majority is reached at the age of 20 years, this article provides that "the minor becomes a major through marriage, if he or she is over 17 years of age, in respect of his or her personal status and the management of his or her civil and commercial affairs".

43. Article 5, paragraph 2, of the Personal Status Code provides that "a man under 20 years of age and a woman under 17 years of age cannot contract marriage. Under these ages, marriage can be contracted only by special permission of a judge, who shall grant it only for serious reasons and in the carefully considered interests of the two future spouses".

44. There is no punishment laid down for a child consenting to sexual relations. On the other hand, the consent of the child is a parameter serving to establish the penalties incurred by the perpetrator of the offence (articles 224 et seq. of the Criminal Code).

2. In labour law

45. The minimum age for entry into the labour force generally speaking is 15 (article 53 of the Labour Code). In the case of hazardous work, an age above 15 can be fixed by ministerial decision "for the admission of young people and adolescents to any employment which, by its nature or the

conditions in which it is carried out, is dangerous for the life, health or morality of the persons engaged therein" (article 58 of the Labour Code).

46. Derogations from the general rule of 15 years of age:

(a) Article 54 of the Labour Code: authorized employment of children under 15 years of age "in establishments in which only members of the family are engaged, under the authority of the father, mother or tutor";

(b) Article 55 of the Labour Code: reduction to 13 years of the minimum age for employment in agriculture "for work not harmful to the health and the moral development of children, on condition that school attendance is not affected"; and

(c) Article 56 of the Labour Code: reduction to 13 years of the minimum age "in non-industrial and non-agricultural activities", which means, in fact, in commercial or handicraft activities. Nevertheless, limits are established by the Code: a maximum of two hours' work per day for children between 13 and 14 years of age and of four and a half hours per day for children between 14 and 15 years of age.

47. According to article 26 of Act No. 93-10, of 17 February 1993, "on the guidance of vocational training", "the age of admission to apprenticeship is between 15 and 20 years."

3. In criminal law

48. Article 38 of the Criminal Code states, with respect to the lack of liability of children under 13 years of age, that "an offence is not punishable if the accused has not reached the age of 13 years at the time of the incident."

49. Reduced liability. According to article 43 of the Criminal Code, "Delinquents over 13 years of age but under 18 years of age come under the criminal law. Nevertheless, if the penalty incurred is one of death or of life imprisonment, it shall be replaced by a term of imprisonment of 10 years. If the penalty incurred is a term of imprisonment, it shall be reduced by one half."

50. Right to special treatment: children between 13 and 18 years of age (articles 224-257 of the Code of Criminal Procedure, as amended by the above-mentioned Act No. 93-73 of 12 July 1993):

(a) Juvenile courts (article 224, new paragraph 1): "children over 13 years of age but under 18 years of age, who are accused of an offence, shall not be brought before the ordinary criminal courts. They shall come under the jurisdiction of the Minors' Judge or the Juvenile Criminal Court";

(b) Exceptional character of the penalty of imprisonment:

(i) Article 225, paragraph 1: "The Minors' Judge and the Juvenile Criminal Court shall, according to the case, prescribe the appropriate measures of protection, assistance, supervision and education";

(ii) New paragraph 2: "They may, exceptionally, when the circumstances and the personality of the delinquent appear to them so to require, pronounce against a minor over 13 years of age a criminal penalty. In such a case, the penalty shall be executed in a specialized establishment or, at any rate, in a block reserved for minors";

(c) Exclusion from imprisonment in the case of petty offences: new article 230: "Petty offences committed by minors over 13 years of age shall be submitted to the Minors' Judge sitting alone, the presence of the minor not being required unless his or her interests so necessitate. If the offence is established, the minor may either be reprimanded, sentenced to pay the fine provided for by the law or, if appropriate, placed under non-custodial supervision, but any term of imprisonment shall be excluded".

4. National service and voluntary enlistment in the armed services

51. Article 1, paragraph 1, of Act No. 89-51 of 14 March 1989, "relating to national service" states: "Every male citizen aged at least 20 years must personally carry out his national service, unless he has been certified as medically unfit. Nevertheless, at their request and with the agreement of their tutors, citizens may carry out their national service from the age of 18 years, with the prior approval of the Secretary-General for national defence".

52. As regards voluntary enlistment in the armed forces between the ages of 18 and 23 years, article 27 of the aforesaid 1989 Act states that: "Any male citizen aged not less than 18 years or more than 23 years may enter the military schools, on the conditions laid down by the Secretary-General for national defence. The agreement of the tutor shall be essential for young men who have not reached the age of majority; in this case, the first year of service shall fulfil the national service obligation in advance of conscription."

5. Other definitions of the child

53. Establishments selling alcoholic drinks and similar establishments. Act No. 59-147 of 7 November 1959:

(a) Article 27, last paragraph: complete ban on the employment of minors under 18 years of age; and

(b) Article 35 (as amended by Decree - Law No. 74-23 of 2 November 1974): ban on "receiving persons under 16 years of age who are not accompanied by their parents or guardians".

54. Films forbidden to minors: Decree No. 67-191 of 27 June 1967 states that the certificate issued by the Ministry of Culture, after hearing the opinion of the Films Censorship Board, "must specify whether the film is forbidden to persons under 10 years of age, 15 years of age or 18 years of age, in the case of films that could have a pernicious influence on young people" (article 1). The category must be indicated "by a notice displayed at the entrance of any premises in which the film is shown" (article 2).

III. GENERAL PRINCIPLES

55. The promotion of the rights of the child is undoubtedly a constant concern of Tunisia's overall policy. In this respect, the natural enthusiasm for children is supported by the sacred duty prescribed by religion and the protective laws and mechanisms proclaimed by the State. However, since the ratification of the Convention on the Rights of the Child, it has appeared essential to go further and ensure that parents, communities and public and private establishments of the broad health, education and social and legal services network should join and coordinate their efforts to guarantee fully the rights of the child to survival, protection and development.

56. The general principles that command these complementary actions and interventions are relatively homogeneous: non-discrimination, the best interests of the child, the right of the child to life, survival and development and respect for the views of the child.

A. Non-discrimination

1. Prohibition of any form of discrimination against children

57. Article 2 of the Convention on the Rights of the Child takes up the principle of non-discrimination against children as set forth, inter alia, by the Universal Declaration of Human Rights (article 2 and article 25, paragraph 2), the International Covenant on Civil and Political Rights (article 24) and the International Covenant on Economic, Social and Cultural Rights (article 10).

58. Tunisian law is substantially in keeping with these provisions. The laws and measures adopted for the benefit of children apply to all children, without any distinction of race, colour, sex, language, religion, political or other opinions or national, ethnic or social origin, etc. This does not mean that all the guarantees and protections actually benefit all children. In many cases, the laws and regulations are directed at specific categories of children, whose needs require particular attention: poor children, disabled children, children in moral danger, and so forth.

59. It is not so much a question of considering that certain children should be ignored by the system of protection as of making operational choices in the light of priorities that are dictated by the needs and the higher interest of the child. It remains, of course, that all the guarantees and protective measures contained in the laws and regulations in Tunisia are open to all children and no discriminatory consideration can exclude them.

2. Positive measures to ensure equality among children

60. The Convention on the Rights of the Child does not content itself, in fact, with a "defensive attitude" forbidding all forms of discrimination among children, but adopts a series of "positive" measures, committing the States parties to "take all appropriate measures to ensure that the child is protected against all forms of discrimination" (article 2, paragraph 2). Article 7, paragraph 1 (right of every child to a name and nationality and the right to know and be cared for by his or her parents) and article 20 (child deprived of a family environment and his or her right to protection and special assistance from the State) are based on the same principle of non-discrimination.

61. At a very early stage, the Tunisian legislature was well aware of the question of children born out of wedlock and this led it to adopt, less than two years after the promulgation of the Personal Status Code, Act No. 58-27, of 4 March 1958, "concerning public guardianship, unofficial tutorship and adoption". In 1967, the legislature passed another act: Act No. 67-47, of 21 November 1976, "concerning family placement". This mode offers a transitional solution for children that have not been adopted and are in the care of the State. The family which accepts the placement is given material support and social assistance by the State and, as a counterpart, guarantees to care for and educate the child for an agreed period, whereby the placement can "transform itself into unofficial tutorship or even, possibly, adoption" (article 2 of the 1967 Act).

62. In 1985, the legislature adopted Act No. 85-81, of 11 August 1985, "concerning the granting of a patronymic to children of unknown parentage or abandoned children", so as to enable such children to obtain all sorts of official papers and documents (identity cards, birth certificates, passports, etc.) and to remove all measures of discrimination that had affected them in that regard.

3. Implementation difficulties and future prospects

63. The Tunisian Government is aware of the difficulties which continue to face children born out of wedlock. Despite all the efforts made by the State and the great results achieved by means of legislative measures and social protection mechanisms, this category of children needs a redoubling of efforts and future action directed to a greater intensification of prevention programmes and programmes to assist the unmarried mother and her child. It is precisely for this reason that the National Institute for the Protection of Children was reorganized (Decree No. 1005 of 26 June 1991, mentioned above) (see chapter I, section A).

B. Best interests of the child

64. This principle reappears on several occasions in the Convention, particularly in article 9 (separation of the child from his or her parents), article 18 (upbringing and development of the child), articles 20 and 21 (adoption and other forms of placement) and articles 37 and 40 (treatment of the child and his or her relations with the police or the courts).

65. For its part, Tunisian law takes express account of the principle of the best interests of the child, notably in article 67 of the Personal Status Code concerning custody of the child (as amended by the above-mentioned Act No. 93-74 of 12 July 1993), articles 7 (unofficial tutorship), 8 and 16 (adoption) of Act No. 58-27, of 4 March 1958, "concerning public guardianship, unofficial tutorship and adoption", and so forth. With the ratification of the Convention, the State has undertaken to pay still more attention to the principle of protecting the best interests of the child.

1. The best interests of the child in relation to the family

66. In this respect, the role of the family and of the parents is primordial. If the child is the justification of the law, he or she is above all at the heart of the parents' lives. He or she is the fruit of a father and a mother who, by the fact of the birth of the child, have sealed a commitment: that of

being parents, i.e. the bearers of obligations towards an uncompleted human being whose physical and emotional needs are totally dependent on the adult.

67. The new legislative and regulatory measure referred to above are essentially designed to recall this basic orientation. We shall limit ourselves here to recalling:

(a) The provisions of Act No. 93-74, of 12 July 1993, "amending certain articles of the Personal Status Code" and, more particularly, article 67 (new) on custody and tutorship:

> "In the case of dissolution of the marriage by death, custody shall be given to the surviving father or mother.
>
> If the marriage is dissolved while the spouses are alive, custody shall be given either to one of them or to a third person. The court shall decide, taking into consideration the best interests of the child.
>
> In the case that custody of the child is given to the mother, the latter shall enjoy the prerogatives of tutorship with respect to the child's travel and studies and the management of his or her financial accounts.
>
> The court may entrust the powers of tutorship to the mother having custody of the child, if the tutor is incapable of exercising them, evidences abusive behaviour in his mission, neglects to carry out properly the obligations arising from his trust, leaves his residence and becomes without fixed abode, or for any cause prejudicial to the best interests of the child."

(b) The provisions of Act No. 91-65, of 29 July 1991, "on the educational system" and notably article 7 thereof stating, for the first time, the compulsory nature of education.

2. <u>The best interests of the child in relation to the State</u>

68. The primordial role of the family must not make us forget the role of the State which, through the law, supplies the legal framework and, by its social and legal services, assists those with primary responsibility for the child - the parents - to obtain a better understanding of their responsibilities and, where necessary in cases of serious defects, by arranging for an appropriate intervention.

69. As a result of the ratification of the Convention on the Rights of the Child, the State has become involved in an immense task which has necessitated a fruitful questioning of the various policies and actions on behalf of children, as regards not only its laws and regulations but also the support and the measures to be implemented with a view to ensuring, more widely, protection of the rights and the best interests of the child.

70. As regards the law, the various reforms undertaken in recent years concerning, in particular, family law, criminal law, education and vocational training, all responded at the outset to the same question: whether the best interests of the child was the primary object of the legislation and the system established, or whether the child was a simple parameter whose interests were confounded by or absorbed in other considerations. It is this

conceptual reflection, nurtured as it ought to be by an observation of the factual situation, which has dominated thinking and culminated in the substantial reforms of national legislation in the various areas indicated (see chapter I, section A).

71. As regards the mechanisms in force, the same concern for the best interests of the child is at the heart of the activities of the various authorities and intervention structures such as the Higher Council for Children, the juvenile courts, the social defence centres, the pilot centres for the observation of minors, and so forth (see chapter I, section B).

72. The Tunisian Government is aware of the fact that the principle of safeguarding the best interests of the child is a dynamic approach, requiring an ongoing questioning of the various policies, laws and actions undertaken in this area. In the future, priority must constantly be given to preventive action and to relevant intervention measures, particularly on behalf of children in difficult situations, with a view to ensuring the necessary complementarity between social- prevention objectives and the need for legal reaction.

C. The right of the child to life, survival and development

73. Tunisia considers that its legislation and policy are in perfect harmony with the principles derived from the provisions of article 6 of the Convention.

74. There are various provisions of Tunisian law that guarantee the inherent right of the child to life:

(a) The provisions of article 214 of the Criminal Code (as amended by Act No. 73-57 of 19 November 1973) make it a criminal offence deliberately to interrupt pregnancy in circumstances contrary to the legal provisions and prescriptions; and

(b) The provisions of the Criminal Code characterize as a criminal offence acts of negligence, brutality and sexual abuse.

75. The right to survival implies, under the Convention, the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing that Declaration, that States must develop a health policy to ensure to the child "the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health" (article 24 of the Convention) and apply adequate means to reduce the present rates of mortality and malnutrition among young children by the year 2000 and to protect the physical and mental growth of all the world's children. Tunisia has long since introduced a policy which largely covers this set of objectives, thanks to the structures and supporting means implemented by the State (see chapter VI).

76. The right to development, for its part, implies that States must put into force a policy ensuring the right of the child to education, including vocational training and guidance (articles 28 and 29 of the Convention) and his or her right to leisure and to cultural and recreational activities (article 31 of the Convention), and so forth.

D. Respect for the views of the child

77. Tunisia fully supports this principle, which is the cornerstone of its policy and of its plan to build a civil and responsible society, construct democracy and ensure that the values and ideals of freedom and citizenship become deeply rooted.

78. As regards family relationships, family legislation (Personal Status Code) already includes many of the provisions of article 12 of the Convention. Article 156 of the Personal Status Code makes, in this regard, a distinction between a child under 13 years of age, who "is considered to be lacking in discrimination and all his or her acts are null and void" (complete incapacity to exercise functions), and the child between 13 and 20 years of age who "is considered to be able to discriminate. His or her acts shall be valid in as much as they procure only advantages, and null and void if they result only in disadvantages. Apart from these two cases, their validity shall be subordinated to the agreement of the tutor". Moreover, articles 158 and 159 permit a judge to grant to a child emancipation, which may be "restricted or absolute".

79. In fact, respect for the views of the child and recognition of his or her right to free expression of his or her choices and opinions goes far beyond the mere context of the family. Tunisia is fully aware of this and has made it a matter of daily teaching which necessitates continuous action, the roots being planted in early childhood and its development continuing in parallel with the child's growth and gradual maturation.

80. The reform of the educational system has been largely motivated by these considerations. The promulgation of the above-mentioned Act No. 65-91, of 29 July 1991, "on the educational system" was a decisive stage and has culminated in a series of measures - decrees - substantially modifying educational programmes and methods for the purpose of encouraging the development of the child's personality and mental and physical skills and preparing him or her to face the responsibilities of life in a free society, in a spirit of tolerance, equality between the sexes and respect for human rights and participatory democracy.

81. Young people's associations and clubs, distributed throughout the governorates and districts, constitute another means of developing the child's personality and guaranteeing him or her the right to free expression of opinions and participation in social life.

82. Tunisia intends to develop still further its policy in this area and is resolutely committed to a dynamic, constant and comprehensive approach, implying specific programmes for the sensitization of parents, teachers and all social workers and legal officials to the full concept of the child, as an active subject present at all levels of family and social life, in connection with all matters related to his or her needs and interests.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

83. Tunisia has, since its independence, provided fully for these fundamental rights. From the moment of birth, every citizen has the right to a name and to Tunisian nationality.

1. The child's right to a name

84. Act No. 59-53, of 26 May 1959, "making compulsory the acquisition by each Tunisian of a patronymic" provides, in its article 1, that "each citizen must have, in addition to his personal name or names, a patronymic". Act No. 64-20, of 28 May 1964, "authorizing certain Tunisians to change their family names or first names" provides that "any person who acquires Tunisian nationality may apply for authorization, by decree, to change his or her family name and first names" (article 1). For its part, article 2 provides that "any Tunisian, if he or she has not a first name that sounds Arab or North African, may, if justified by a legitimate interest, be authorized by decree to change his or her first name" (article 1). The same article adds that applications concerning minors "shall be made by their legal representatives."

85. The Tunisian legislature became very early aware of the question of abandoned children and children of unknown parentage. This caused it to adopt, inter alia, the above-mentioned Act, of 4 March 1958, "concerning public guardianship, unofficial tutorship and adoption" and the above-mentioned Act of 21 November 1967 "on family placement".

86. With the same concern to remove the obstacles to and forms of discrimination against this category of children, the legislature adopted, in 1985, Act No. 85-81, of 11 August 1985, "concerning the granting of a patronymic family name to children of unknown parentage or abandoned children" which was intended to enable such children to obtain all sorts of official papers and documents (national identity cards, birth certificates and passports) and to save them from embarrassment and discriminatory treatment connected with the absence of a family name.

2. The right of the child to Tunisian nationality

87. Under article 6 of the Tunisian Nationality Code, "a child is Tunisian if:

(a) He or she is born of a Tunisian father;

(b) He or she is born of a Tunisian mother and of an unknown father or of a father who has no nationality or whose nationality is unknown; or

(c) He or she is born in Tunisia of a Tunisian mother and a foreign father."

88. Under article 7 of the Nationality Code, a child is Tunisian if he or she is born in Tunisia and his or her father and paternal grandfather were themselves born in Tunisia. The same article permits the person concerned, unless he or she was born after the entry into force of the present code, "to

repudiate Tunisian nationality in the year preceding his or her majority". Article 8 provides that "a child born in Tunisia of stateless parents who have been living in Tunisia for at least five years is Tunisian". According to article 9, "a child born in Tunisia of unknown parents is Tunisian". However, he or she will be reputed never to have been a Tunisian if, during his or her minority, the father is identified as a foreigner and if, under the national law of the foreigner concerned, the child has his nationality". And according to article 10, "a newly born child, found in Tunisia, is presumed to be born in Tunisia, unless proved otherwise".

89. In all the above-mentioned cases of the attribution of Tunisian nationality, the right is acquired at birth. Indeed, article 11 of the Nationality Code provides that: "A child who is Tunisian by virtue of the provisions of the present chapter is reputed to have been Tunisian since birth, even if the existence of the conditions required by law for the attribution of Tunisian nationality is established subsequent to birth. Nevertheless, in the latter case, the attribution of the quality of Tunisian citizen since birth shall not impair the validity of the legal instruments approved by the person concerned or rights acquired by third parties on the basis of the apparent nationality possessed by the child."

B. Preservation of identity

90. Tunisian law is in perfect harmony with the provisions of article 8 of the Convention. The right to preservation of identity is recognized and guaranteed as a fundamental right of the legal personality and implies, in particular:

(a) The right to preservation of nationality. Tunisian nationality is acquired, in all cases, at birth (article 11 aforesaid). The cases of loss or forfeiture of nationality are strictly defined by the Nationality Code (articles 30-35) (annex VI), in circumstances that are in full conformity with the rules recognized by international law;

(b) The right to preservation of the child's family name and family relationships. Tunisian law fully protects the child in this area. The legal provisions set forth above protect the right of the child to have a patronymic family name which he or she is perfectly free to retain unless, at the request of his or her legal representative and for reasons of legitimate interest, permission is asked to change voluntarily the family name or personal names (above-mentioned Act of 28 May 1964). No legal or regulatory provision, incidentally, permits a child to be deprived of his or her right to preserve his or her family relationships.

C. Freedom of expression

91. The Tunisian Constitution (article 8) and the laws in force (particularly the Press Code) recognize the fundamental rights contained in article 13 of the Convention of both adults and children. The only restrictions are those for obvious reasons forbidding slander, libel, unjustified attacks on other people's honour, incitement to hatred and other attitudes founded on racial, religious, ethnic, sexual or other discrimination.

92. The right of the child to freedom of expression is, moreover, at the heart of the reform of the educational system (Act of 29 July 1991,

aforesaid), of the education programmes and policies and of the cultural programmes directed towards children and young people.

D. Access to information

93. In Tunisia, general informational and cultural policy has constantly developed the principle and ideals set forth in article 17 of the Convention.

94. Access to information is guaranteed, especially since the events of 7 November 1987, and there are 115 national publications - including about 30 general-information periodicals, most of which belong to the private sector or to the political parties - and 450 foreign publications (a considerable number of which are intended for young people and children) in all languages and with a wide range of contents, freely disposable on the Tunisian market.

95. Access to information also takes the form of the opening up of Tunisian audiovisual space - in addition to the national television channel and a thematic channel established in January 1993 and intended for young people, there are three foreign programmes, the Italian channel "RAI I", the French channel "France 2" and the coded channel "Canal Horizons".

96. The law recognizes the complete freedom of citizens to receive television programmes (including those especially devised for children and young people) by parabolic antennas, whether individual or collective.

97. The State supplies the necessary means and resources to equip the media to broadcast information and programmes which are of social and cultural utility for children. The Tunisian radio and television establishment (Canal 7 and TV-Jeunes), National Radio and five regional radio stations have, for a number of years, been developing specific programmes for children and young people, in the form of daily and weekly children's broadcasts.

98. As for the written press, there are five weekly magazines exclusively devoted to children and young people: "Irfane", "Al-Riadh", "Kaws Kouzah", "Aladin" and "Jeunesse Magazine".

99. The children's programmes, broadcast by the media, originate from various national and international sources, in such a way as to enable the Tunisian child to be rooted in his or her Tunisian, Arab and Islamic culture while offering him or her wide access to non-national cultures and universal civilization.

E. Freedom of thought, conscience and religion

100. Tunisia, a republic whose national language is Arabic and religion Islam (article 1 of the Constitution), recognizes and guarantees the principles and rules set forth in article 14 of the Convention, which is supported by its age-old tradition of tolerance and friendship among peoples of different religions and by the laws that the State has promulgated.

101. In this respect, article 5 of the Constitution states that "The Tunisian Republic guarantees the integrity of the individual and his or her freedom of belief and protects the free exercise of religious worship, provided it does not run counter to public order."

102. The Convention concluded between Tunisia and the Vatican on 27 June 1964, and published in the official gazette (Decree No. 245 of 23 July 1964) provides in its article 1 that "The Tunisian Government shall protect the free exercise of Catholic worship in Tunisia". Article 3 of the same Convention states that the Tunisian Government agrees that the Church will be responsible for teaching the Christian religion to Catholic pupils, on the sole condition that they obtain the consent of their guardians, in secondary schools, primary schools, kindergartens, nurseries and clinics belonging to associations or to civil or limited-liability companies in which religious institutions have shares.

103. By order of the Prime Minister, dated 30 May 1985, the Chief Rabbi was appointed for the Jewish community in Tunisia, responsible for directing Jewish worship.

104. Moreover, Decree No. 527, of 9 March 1992, established a Ministry of Religious Affairs with the task, inter alia, of ensuring that all is well with the various religious denominations, in full respect for the laws and regulations in force.

105. While recalling these principles, the Tunisian Government wishes at the same time to express its determination to put children, because of their inherent physical and moral fragility, on their guard against all forms of recruitment, fundamentalism and religious extremism.

F. Freedom of association and of peaceful assembly

106. Article 8 of the Tunisian Constitution guarantees freedom of association and assembly (article 15 of the Convention) within the framework of the law. In view of the general aspect of this provision, the freedom is guaranteed to both children and adults. There are, furthermore, several associations in Tunisia which develop cultural and sporting activities primarily for children, e.g. the National Children's Association, the Tunisian Scouts, the Voix de l'Enfant, and so forth.

G. Protection of privacy

107. Article 9 of the Tunisian Constitution of 1 January 1959 guarantees protection of the privacy of every citizen, whatever his or her age (article 16 of the Convention). The text states that "the inviolability of the home and the confidential nature of correspondence are guaranteed apart from the exceptional cases specified by the law". The Criminal Code establishes penalties of up to two years' imprisonment for any individual having breached the inviolability of the home (articles 256 and 257 of the Criminal Code) and three months' imprisonment for any person who has violated the principle of the confidentiality of correspondence.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

108. Tunisia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Act of 11 July 1988.

109. By the Act of 26 November 1987, Tunisian amended the law on arrest and pre-trial detention.

110. Article 43 of the Criminal Code provides that any child who was less than 18 years of age at the time of committing an offence may not be sentenced to death or to life imprisonment. If a criminal penalty is incurred, it may not exceed 10 years' imprisonment and, in the case of offences for which the penalty is imprisonment, the sentence on a minor is reduced by half. Any sentence, even a criminal one, is subject to review by the Minors' Judge (see chapter VIII, section B).

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

111. As a result of the ratification of the Convention on the Rights of the Child, Tunisia is resolutely engaged in a reform process implying that parents, communities and public and private establishments of the broad health, education and social and legal services network are uniting their efforts to ensure the rights of the child to survival, protection and development. These involve a number of additional responsibilities, preventive actions and, where necessary, forms of relevant intervention which the law must define or redefine.

112. In this respect, the role of the family and of the parents is primordial. If the child is the justification of the law, he or she is above all at the heart of the parents' lives. He or she is the fruit of a father and a mother who, by the fact of the birth of the child, have sealed a commitment: that of being parents, i.e. the bearers of obligations towards an uncompleted human being whose physical and emotional needs are totally dependent on the adult. The gradual substitution of the concept and logic of the responsibility of parents for that of the guardianship of the child would then render it possible to redefine the parent-child relationship, to take into account the reforms already undertaken in that area and those that should be made with a view to finding, in full respect for the best interests of the child, adequate solutions to the problems of the many children living in difficult situations.

113. However, the primordial role of the family and the parents must not make us forget the role of the State which, through the law, supplies the legal framework and, by its social and legal services, assists those with primary responsibility for the child - the parents - to obtain a better understanding of their responsibilities and, where necessary in cases of serious defects, by ordering a replacement protection of and assistance to children deprived of the family environment.

A. Parental guidance

114. Of all the tasks inherent in human life, none is more fundamental than that of protecting one's offspring and looking after its needs. This natural impulse is supported by the sacred duty prescribed by religion and the laws that the Tunisian legislature has promulgated.

115. Tunisian law generally fits in to this order of ideas, particularly through the regulations concerning maintenance, custody and guardianship. On this point, one of the most outstanding evolutions of the law has undoubtedly been to associate the mother with the exercise of tutorship, which is a positive step on the road to equality between the two sexes and the elimination of all forms of discrimination against women.

116. Act No. 81-7, of 18 February 1981, "amending certain provisions of the Personal Status Code", embodies, for the first time in Tunisia, the right of

the mother, "in the case of the death or incapacity of the father" to be the "legal tutor of her minor children" (new article 154 of the Personal Status Code). Act No. 93-74, of 12 July 1993, "amending certain provisions of the Personal Status Code", goes beyond strengthening the achievements in Tunisia concerning women's rights and the gradual abolition of all kinds of discrimination against women to form part of an overall approach designed to enhance the family in general and the rights of the child in particular (see paragraph 66, subparagraph (a)).

117. The richness of these provisions is undeniable, since they reflect a change in the legislature's attitude and approach, consisting in placing the emphasis in this area more on the analysis of the objective facts than on the justification of ideas for the sake of which analyses are sometimes carried out. In other words, the drafters of the reformed text, while not ignoring the major ideological debates on systems of organizing life in society and reaffirming their wholehearted commitment to the gradual and systematic abolition of all forms of discrimination against women, decided, above all, to act with pragmatism for the purpose of resolving practical problems and putting an end to situations which, all too often, had proved to be the source of insurmountable difficulties and major inconveniences to mothers and children.

B. Parental responsibilities

118. Article 23 (new) of the Personal Status Code presents the principle that the two spouses "cooperate in the management of the family affairs, the proper education of the children and in the management of the latter's affairs, including teaching, travel and financial transactions".

119. Article 46 (new) of the Personal Status Code adds a provision which, too, is favourable to the children, by prolonging their right to maintenance "until they reach the age of majority or, beyond majority, until the end of their studies, provided that they do not exceed the age of 25 years". The same text adds, in the case of a daughter, that she "shall continue to have a right to maintenance as long as she has no resources of her own or is not the responsibility of her husband".

C. Separation from parents

120. Tunisian law does not provide for the case of separation of the child from his or her parents. The Child Protection Code, which the President of the Republic ordered to be drafted on 13 November 1993, will include an adequate response to this situation.

D. Family reunification

121. Tunisia poses no obstacle to family reunion and welcomes the families and children of foreign workers settled in its territory.

122. It is, however, concerned about the difficulties encountered by its own workers abroad and the restrictions imposed by some countries on family reunion.

E. Recovery of maintenance for the child

123. Establishment of the "Maintenance and Alimony Guarantee Fund", article 53 bis (new) of the Personal Status Code. In accordance with the provisions of article 27, paragraph 4, of the Convention, the Tunisian legislature has established this Guarantee Fund which "will effect maintenance or alimony payments forming the subject of final judgements given to the benefit of women and of children issued from their unions with the debtors, but which have not been executed by reason of the latter's procrastination". The text adds that the Guarantee Fund "is surrogate to the beneficiaries of the judgement for the recovery of the sums it has paid".

F. Children deprived of a family environment

124. Quite apart from the opposition between the two concepts - guardianship and responsibility - which are none the less indissociable, there are different ways of interpreting the legal and social rights of the child according to whether or not the law recognizes the benefit of the various rights guaranteed by the international instruments "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status" (article 2, paragraph 1, of the Convention).

125. It is important here to draw attention to the principle of non-discrimination among children because of their birth, as set forth in the various international instruments.

126. The Convention on the Rights of the Child makes a very special contribution in this regard, since it does not content itself with a "defensive attitude", forbidding any kind of discrimination in this area but, on the contrary, adopts a series of positive provisions and measures and binds the State parties in a manner capable of tangibly and genuinely ensuring the principle of equality among children.

127. The Child Protection Programme is intended for children and young people in difficult situations who are exposed to dangers to life and who are in greater danger than others of becoming delinquents. Such children may be completely or partly deprived of a family environment and/or may live in very unfavourable socio-economic conditions. The assumption of education care may take one or other of the two forms:

(a) Placement of the children and young people without a family environment (first method of education care) in homes called children's communities and known as Bourguiba Children's Villages. Teachers take responsibility for them, as surrogate parents, until they leave the home. They are grouped in "phratries" and try to live in conditions close to those of a "normal" family. The children's communities are State institutions and the Ministry of Youth and Infancy is entirely responsible for the guardianship and management. The Ministry provides for their construction and operational budget and appoints the teachers; and

(b) Education in the natural environment (the second method of education care) consists in "underpinning" the families to ensure the education of their children. The teachers go into the field - into the families - and approach the young people and children in care, monitoring

their state of health, their progress in school and their leisure. Material assistance is given them such as school equipment, clothing and toiletries.

128. The Integrated Socio-Educational Programme brings together all the many social and educational services for all children and young people, including those in difficult situations. It offers leisure activities, educational care, parental education, school support and material assistance. In fact, this programme is a combined version of the two programmes mentioned above. The institutions supplying these manifold services are called "Integrated Children and Youth Centres" and their main objectives are social integration and the prevention of juvenile delinquency. They are managed by the regional services of the Ministry of Youth and Infancy. As regards the children and young people in difficult situations, there are two types of beneficiaries: those who live in and are completely in care and those who remain in their natural environment, the family, and are thus partly in care.

G. Adoption

129. The Tunisian legislature very soon became aware of the question of abandoned children. This caused it to adopt, in particular, less than two years after the enactment of the Personal Status Code, Act No. 58-27, of 4 March 1958, "concerning public guardianship, unofficial tutorship and adoption", which is certainly a cardinal achievement and a major breakthrough for Tunisia. However, this achievement is sometimes badly presented by legal writers. Like the abolition of polygamy and the suppression of unilateral repudiation and its replacement by legal divorce, it is regarded as indicating the wish of the Tunisian legislature on the morrow of independence to mark a certain break with the past.

130. This presentation is, in fact, deceptive. Although prohibited by the Fiqh, adoption had been practised in Tunisia well before independence by means of legal expedients or Hiyâl designed to get around the legal prohibition to which society refused to submit in practice. What it amounted to was the establishment of a real filiation link by fabricating a false civil status or by starting a legal action against the alleged nassab which culminated in a judgement confirming the filiation previously challenged. All these various manoeuvres made it possible to give adoption back its full importance: to bring into a lineage a person alien to it and give him or her the legal status of a legitimate child.

131. What is more, the usual presentation of adoption disregards the immediate origins of the Act of 4 March 1985: it was the social facts on the ground that determined the Act, which should not be reduced to a simple matter of ideological and abstract speculation. It began with the breakdown of the old community of interests under the shock of the profound changes caused by the flight from the land. The number of abandoned infants increased, while the streets became full of young children left to fend for themselves because of the extreme poverty or deaths of their parents. The winter of 1955/56 was marked by great cold. Two children were found dead in the street. Public opinion was aroused. Public and private organizations began trying to gather up those underprivileged beings whose number very rapidly grew to several thousands. In March 1956, the principle of State care was accepted. On 30 June, a decree settled the financing problem by establishing a "national children's fund". In 1957, the Arradhi (infant) centre was established at the Bardo to take care of babies. One year later, in July 1958, the public authorities opened the Shoheddine Bouchoucha Centre a Ksar Saïd.

132. It is important to recall this succession of specific events to place the Act of 4 March 1958 in its real historical context as the normal culmination of the gradual involvement of the State in the care of abandoned children. More than 30 years later, adoption - a derived phenomenon - appears as a way of ensuring abandoned children the possibility of enjoying not only a better life but the right to life itself.

133. We must, in fact, begin with the facts as collected in the field, the research carried out in the National Childhood Protection Institute (Bouchoucha Institute) by specialists acquainted with the operation of that organization and the statistics.

134. The first finding in that regard concerns adoption. Of all the children who leave the Institute every year, an average of about three quarters are adopted. To this must be added the considerable number of adoptions carried out in the maternity wards which, incidentally, confirms the fact that the total number of abandoned children exceeds the number admitted by the Institute.

135. The second finding concerns family placement. Instituted by Act No. 67-47, of 21 November 1967, "concerning family placement", this method offers a transitional solution for the benefit of children whom no one has wished to adopt and who are in State care. The family that accepts the placement receives "material assistance from the State" (article 3 of the 1967 Act). As a counterpart, it is responsible for the care and maintenance of the child and looks after his or her education during the agreed period and, under the terms of the agreement, this placement can be "transformed into unofficial tutorship or even, possibly, adoption in accordance with the provisions of the Act of 4 March 1958" (article 2 of the 19667 Act). However, this institution does not seem to have been favourably received by the Tunisian families. There have been too few cases recorded over the years and the explanation is possibly to be found in the maximalist attitude of families which prefer to ensure, by adoption, a real filiation link.

136. Despite, therefore, the distinct improvements recorded and expected from the new prevention strategy adopted by the Government, a major conclusion can obviously be drawn: as things stand, adoption is the last chance offered by the State to many children with a view to ensuring their right to life.

137. The Government soon indicated that the time had come to develop a collective awareness of the question, by calling for close cooperation among all the experts and social workers in the area to define a national preventive policy involving, in particular, an intensification of medical, psychological, sociological, legal and other research and studies, in an endeavour to identify the deep-seated causes of the abandonment of children. State action has been integrated into the National Social Defence Programme (see paras. 22 and 23).

138. Future prospects undoubtedly require the elimination of all legal and social discrimination against unmarried mothers and their children and an evolution in social attitudes such that the responsibility for such births will be equally shared by both sexes. In this context, particular attention will have to be paid to the mother who is tempted to abandon her child, with a view to offering her all the necessary assistance, making her gradually aware of her own value and thus developing her maternal feelings towards her child.

H. Illicit transfer and non-return

139. Tunisia has concluded various bilateral conventions on mutual legal assistance with the main countries concerned in order to harmonize the respective legislation concerning illicit transfers to and non-return from abroad.

I. Abuse and neglect

140. Tunisian law guarantees the protection of the child against all neglect implying moral harm (article 212 bis of the Criminal Code) and provides penalties in cases of recurrence of ill-treatment of a child such as, for instance, deprivation of food (see chapter VIII, section C).

141. The health services are responsible for physical rehabilitation. The programmes for the physical and psychological rehabilitation of children with deficiencies will be presented in the context of the rehabilitation of disabled children.

VI. BASIC HEALTH AND WELFARE

142. Since the morrow of independence, Tunisia has been engaged in a development process based on the promotion of its human resources which constitute its wealth. Consequently, it has been possible to develop health services for a population characterized, since the dawn of the country's independence, in 1965, by the following data:

- a very young population, in which persons under 15 years of age made up almost half of the population (49 per cent);

- a very high mortality rate, about 25 per mille of the general population and a rate of 200 per mille of child mortality;

- high natural fertility, with a gross birth rate of 50 per mille and a gross reproduction rate of 3.7 daughters per woman; and

- a very low life expectancy at birth of 47 years.

The health situation also gave rise to concern with one doctor per 6,900 inhabitants and a lack of health infrastructure. The state of health of the population undoubtedly depends on the sectoral performance of the health system, but it is also intimately connected with the income level and the educational level of the inhabitants and with the conditions of women in society. The political commitment in the service of the population was concentrated on the campaign against inequalities. A series of humanitarian determinations, well anchored in the real situation, put this commitment in practical form: the right of all to health, the right of all to education, the right of all to work and the right of all to social protection.

143. In the specific area of health, the efforts of the State have been concentrated on two essential aspects:

(a) Extending the coverage of the population by investing in infrastructure in terms of a four-level pyramid: basic health centres, district hospitals in the district capitals, regional hospitals for the

governorates and larger towns and university hospitals in the university cities around the faculties of medicine; and

(b) Training health professionals through the various faculties and through paramedical staff training schools.

144. In parallel, the private care sector has developed into a special dispenser in ambulant activities: its contribution to the hospitalization infrastructure is quite modest (less than 10 per cent).

145. The efforts made have rendered it possible inter alia to speed up vaccination coverage which attained the following percentages in 1991:

- 99 per cent for BCG (100 per cent urban - 98.5 per cent rural);

- 91.7 per cent for the third shot of DTPP (94.2 per cent urban - 89 per cent rural);

- 92.1 per cent for the first vaccination against measles (93.9 per cent urban - 90.1 per cent rural);

- 90 per cent of the children of the same age group (93.4 per cent urban - 85.4 per cent rural) have received all the vaccinations required by the Tunisian timetable before their first birthdays; and

- 53.5 per cent of pregnant women have received two doses off antitetanus vaccines.

Vaccination has reached boys and girls equally (girls: 87.9 per cent / boys: 91 per cent - a statistically non-significant difference).

A. Survival and development

146. The survival and development of the child are a major concern of the State. Several programmes have been developed to achieve the objectives fixed by the National Plan of Action.

1. National Perinatal Programme

147. This Programme has four components:

- Prenatal supervision;

- Delivery in an assisted environment, systematic care and neonatal revival in a labour room;

- Postnatal supervision; and

- Family planning.

148. The Programme aims to reduce maternal and perinatal mortality and morbidity and children's disabilities connected with a pathology of the pregnancy, the delivery or the post partum. Implemented gradually from 1990 onwards, the Programme reorganized, with a view to strengthening and improving them, the perinatal services which had actually been available, to variable extents according to region, since the 1960s and which had made it possible to

achieve in 1988 (national survey of neonatal tetanus and SMI, September 1988) rates of delivery in an assisted environment of 72 per cent (85 per cent urban and 58.8 per cent rural), of at least one prenatal consultation of 72 per cent and of at least one postnatal consultation of 39 per cent.

149. A national survey of maternal mortality began in June 1993 and is still in progress (until June 1994). Another national survey, to assess the impact of improved delivery and neonatal revival conditions on the chances of disabilities in children has also been in progress since August 1993.

2. Family planning

150. Planning is the attempt made to determine the number and the spacing of births. It is the right of individuals and of families to determine freely and in all responsibility the size of their families and to have adequate information, education and means to that end. This right has been recognized in Tunisia since 1962.

151. Tunisia has begun the work of preparing a comprehensive population policy of which the family-planning programme is an essential component. Since its inception, the latter has had health, economic and social dimensions, the essential objective being the health of the mother and child and the establishment of a healthy, balanced and coherent environment enabling the child to have a good life and to develop.

152. This programme has passed through various stages, the latest of which consists of moving from the rather limited concept of family planning to that of comprehensive family health. This qualitative change was initiated by the President of the Republic who, in 1991, recommended that family-planning policy should be inserted into the framework of a comprehensive policy embracing all the aspects of family life and attaching more interest and importance to the health and well-being of the woman and the child. This new approach has resulted in a change in the programme's activities and, consequently, a very positive impact on the demographic, educational and health indicators for children in Tunisia.

153. Since the conversion of the family-planning programme to a family approach, "its role is no longer just a matter of restricting national or family growth but extends to the effects of this growth on demographic, medical and even sociological questions". To achieve this, a series of strategic options have been chosen, the most important being:

(a) The introduction of prenatal and postnatal consultations into the activities of the family-planning centres;

(b) The launching of a rural family-health programme;

(c) The establishment of a consultation programme for the early detection of disablement in children; and

(d) The carrying out of operational and biomedical research into healthy and responsible procreation.

154. However, despite the fall in the number of the youngest age group, the age pyramid in Tunisia still has a large base which becomes smaller at the adult levels. Children under five years of age in 1991 still accounted for

12.2 per cent of the population as a whole, as against 14.6 per cent in 1984, and the proportion of the population aged between 5 and 14 years diminished slightly from 25.1 per cent in 1984 to 24.4 per cent in 1991. Tunisia is still classed among the countries with a young population.

Impact of the family-planning programme on children

155. Since the launching of the Tunisian family-planning programme in 1964, the impact of its activities on families and individuals has been confirmed. It has given a special dimension and value to children in society, in the family and as individuals, by emphasizing quality over quantity. A child born in a planned family has more chance of living well, of receiving more affection and attention, of having better health and prospects of development, of studying effectively and of making his or her way in society.

156. This programme, which as now been in progress for 27 years, has made a clear contribution to improving the living conditions and health of families, particularly children, in that it has rendered it possible to:

(a) Control the birth rate, which is now only 24 per mille as against 50 per mille in 1956;

(b) Reduce the synthetic fertility index, which fell from 7 children in 1966 to 4.06 in 1987 and 3.4 in 1991, as a result of the increased use of contraception, which has a marked effect in reducing the fertility indices; and

(c) Reduce infant mortality significantly, from 130 per mille at the beginning of the 1960s, to 96 per mille in 1975 and to about 40 per mille at present.

(d) With regard to the fall in infant mortality, it is now accepted and proved that the risk of infant mortality is 6.5 times as great in the case of an intergenetic interval of less than a year than if the interval is three years or more.

157. It has also been determined that the risk of infant mortality is multiplied by 5.7 for a live birth from numerous pregnancies as compared with one from a single pregnancy. Family planning thus appears as a very effective health action to prevent infant mortality and to guarantee the right to life. What is more, children born to mothers aged between 40 and 49 have twice as much risk of dying in their first year as children born to mothers aged between 20 and 39 years. For this reason, the Tunisian programme has constantly endeavoured, through information and motivation, to reduce or prevent pregnancies in women over 35 years of age.

158. The relationship between child malnutrition and the inter-birth interval has been proved. The shorter the interval, the more the children suffer from nutritional deficiencies.

159. Information, education and communication programmes constitute an essential component of the Tunisian family-planning programme. They are directed to both adults and children. The latter serve as a transmission vector and are prepared from an early age for family life.

160. Education in population matters was introduced into the schools in the 1970s. Nowadays, it is given in all secondary schools as part of the official programmes of civics, natural science and geography.

161. Consequently, the planned family has become a legitimate right of the child, a condition necessary for a life of good quality, a right that is now accepted by all the actors and regarded as normal by the population in general.

3. Encouragement of breast-feeding and nutritional rehabilitation

162. These operations were included in the first Mother and Infant Programme (PMI) in 1959 and have been constantly strengthened since then. Some important measures have been adopted since the 1970s under the auspices of the National Nutrition and Food Technology Institute and the National Institute for Children to improve the nutritional status of the population as a whole, with particular attention to children, pregnant women and nursing mothers.

163. These measures are essentially:

(a) Information and education of the general population;

(b) The establishment of nutritional education units in most of the PMI centres;

(c) Nutritional education of families in the health centres and by rural visitors in the home;

(d) Daily broadcasting by the national radio of nutritional education messages directed at the public in general and mothers of families in particular;

(e) Encouragement of breast-feeding;

(f) The Act of 30 September 1982, concerning the marketing and proper utilization of mother's milk substitutes;

(g) Article 64 of the Labour Code obliging every enterprise employing 50 women or more to set up a special breast-feeding room;

(h) Act No. 83/112, of 12 September 1983, concerning maternity leave, namely, two months on full pay which can be cumulative, at the request of the person concerned, with postnatal leave (four months on half pay); and

(i) The circular of 10 September 1992 granting to breast-feeding mothers employed in the public sector, whatever their administrative situation, one hour's rest per working period for six months after the end of the maternity leave.

164. In 1992, 94.5 per cent of all infants aged less than five months, 74.8 per cent of those aged between six and nine months and 63.7 per cent of those aged between ten and twelve months were breast-fed.

165. Malnutrition has notably decreased. The 1988 survey revealed that 15 per cent of infants aged between 3 and 36 months were suffering from slight acute undernourishment and 3 per cent from moderate or serious acute

undernourishment. The latter was most frequent among boys aged between 3 and 11 months, living in an urban environment, where breast-feeding had slightly declined. On the other hand, slight acute undernourishment affects more frequently girls aged between 12 and 23 months, living in a rural environment. Moderate or severe chronic undernourishment affects 18.2 per cent of infants between 3 and 36 months. It is more widespread in rural areas (24.6 per cent against 11.8 per cent in the towns) and among girls (19.2 per cent against 17.3 per cent for boys). Slight chronic undernourishment (2.65 per cent) affects both sexes equally, but it is more common in the country.

166. Overfeeding affects 13.8 per cent of infants aged between 30 and 36 months. It is more widespread in the towns (15.5 per cent as against 13 per cent in the country) and among girls (14.7 per cent as against 12.8 per cent among boys).

167. In 1984/85, the average weight at birth was 3,298 g; eight per cent of the babies born were underweight (less than 2,500 g).

168. In 1990, the monitoring of the growth of children under six years of age was reorganized with a view to preventing malnutrition and to obtaining early information and taking prompt action concerning children suffering from malnutrition.

169. An iron supplement is made available to pregnant women and nursing mothers with a view to preventing and treating cases of anaemia during pregnancy and the lactation period and also to avoid low birth weights linked with this pathology. An iron supplement is also made systematically available to twins and premature babies.

170. In 1991, Tunisia joined the initiative "hospitals friends of babies" and began to apply it in maternity wards in 1992. At present, 12 hospitals have received the "hospitals friends of babies" certificate: one university hospital, two regional hospitals and nine district hospitals.

4. National anti-diarrhoea campaign

171. Started in 1980, this programme has made it possible, through oral rehydration and the education of the population, to reduce the average number of cases of diarrhoea per child under five years of age from eight in 1985 to four in 1988 and the mortality specific to diarrhoeal diseases from 3.5 per mille to 1.8 per mille during the same period.

5. National campaign against acute respiratory infections (ARI)

172. Carried out from 1988 to 1990 in a pilot area, the programme was extended to the entire country in 1992. It is designed to standardize the care of children affected by ARI and to reduce the mortality and morbidity connected with these ailments.

6. National vaccination programme

173. In 1979, this programme replaced the many vaccination campaigns that had been carried out for three months every year, mainly against tuberculosis and poliomyelitis and, more secondarily, against diphtheria and pertussis. It targets the six most deadly of children's illnesses (tuberculosis, poliomyelitis, diphtheria, tetanus, pertussis and measles) and neonatal

tetanus through the systematic anti-tetanus vaccination of pregnant women and women of child-bearing age.

174. The rates of immunization coverage achieved (see para. 145) have made it possible to reduce very significantly the incidence of the target illnesses. In 1991, there were three cases of poliomyelitis, as against 19 in 1985 and 78 in 1978. There were 1,250 cases of measles in 1991 as against 4,766 in 1985. No case of diphtheria was recorded in 1991, whereas six had been recorded in 1975. The number of cases of neonatal tetanus also fell, from 33 cases in 1985 to 8 in 1991.

175. In 1992, a national plan of action was initiated to eradicate poliomyelitis and neonatal tetanus by 1996, with coordination on the scale of the Maghreb.

7. National anti-AIDS campaign

176. Tunisian legislation protects against AIDS (Act No. 92/71, of 27 July 1992, "concerning sexually transmissible diseases") and is addressed equally to both sexes and to all ages. A marker survey of the prevalence of HIV among pregnant women, carried out in collaboration with WHO in 1992, revealed after six months that that population was unaffected (prevalence = 0). Constantly increasing efforts are being made to inform the entire population concerning the ways of transmission, including mother-child transmission. The schools and student bodies are particularly targeted by this programme and are being given specific support.

8. Health education

177. This accompanies each of the programmes mentioned above. It is aimed in particular at mothers through individual or group education sessions. It is given in the health centres or meeting places and is addressed to all the family via the mass media (TV, radio and press), posters, pamphlets and brochures. Social workers and rural visitors, together with influential members of the community, serve to transmit messages to the most remote localities in the country.

178. The child is also a target of health education both as a beneficiary and as a relay channel through the gradually increasing integration of health themes into the primary and secondary curricula and in the context of the health clubs.

B. Disabled children

179. Echoing the protection principles defined by article 23 of the Convention, but also the provisions of ILO Convention No. 159, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, ratified by Tunisia on 22 February 1989, the State has committed itself to giving a new impulse to its policy of protecting and advancing disabled persons - especially disabled children - and pursuing the major objectives as defined, in particular, by the World Programme of Action concerning Disabled Persons, adopted by the General Assembly of the United Nations at its thirty-seventh session (resolution 37/52 of 3 December 1982).

180. This is the purpose of Act No. 89-52, of 14 March 1989, "concerning the advancement and protection of disabled persons", which amended an earlier Act,

No. 81-46 of 29 May 1981, and which clearly lays down a fundamental principle by affirming that "the prevention and identification of disabilities and the care, education, vocational training, employment and socio-economic integration of disabled persons constitute a national responsibility ..." (article 1 of the 1989 Act).

1. Prevention and rehabilitation

181. Prevention activities have developed steadily in several areas: improvement in the conditions of hygiene, education and nutrition, better health monitoring through primary health care, particularly of mothers and infants, advice to parents in matters of genetics and prenatal care, vaccination and control of illnesses and infections, improvement in the quality of the environment, etc. There are 14 regional early-detection and physical-disability prevention units which offer periodic health check-ups, particularly for women in the early stages of pregnancy, infants and young children.

182. Both the contents and the spirit of the so-called rehabilitation activities have undergone a change. The programmes that have been established are designed to involve the family and the community more and more in supporting the efforts of the disabled person to overcome the incapacitating effects in a normal social environment. More and more, also, it is being recognized that even seriously disabled persons can, to a considerable extent, live independently if they are supplied with the necessary services.

2. Full participation and equalization of chances

183. It is essentially by means of political and social measures that the State is endeavouring to guarantee to disabled persons - particularly disabled children - the right to "full and active participation" in social and economic life and the right to benefit, in conditions of equality with the population as a whole, from the various aspects of the improved conditions of life in general.

184. The right of the disabled child to education. Under article 10 of the aforesaid Act of 14 March 1989, "education and rehabilitation will be carried out as far as possible in ordinary educational establishments or, where this is not possible, in specialized establishments". This principle was reaffirmed by article 4 of Act No. 91-65, of 29 July 1991, "on the educational system" (mentioned above): "the State guarantees, free of charge, to all those of school-attendance age, the right to schooling and offers to all the pupils, so long as they are able to pursue their studies regularly in accordance with the regulations in force, the maximum equality of chances to benefit from this right and will endeavour, as far as possible, to establish favourable conditions which will enable disabled children to enjoy the right to education".

185. Consequently, a programme has been worked out by the National Institute for the Advancement of Disabled Persons (INPH) to insert disabled children into the educational system. This programme got under way in 1991/92 and covered 35 schools and 250 disabled children in the same year.

186. The programme has since been continuing, from year to year, at a sustained rhythm, with a view to succeeding in offering disabled children educational services meeting the following fundamental requirements:

(a) They must be integrated into the general education system, i.e. must enable the disabled children to attend the same classes as are open to other children, save in exceptional circumstances based on the needs and interests of certain pupils, in which case the teaching in the specialized schools must be equivalent to and closely linked with that in the ordinary schools (there are at present 135 centres specializing in the education and training of disabled children, subsidized by the State and attended by 4,500 disabled children);

(b) They must be individualized, i.e. based on the needs themselves, as assessed and recognized by the authorities, the administrators, the parents and the disabled children, and capable of achieving well-defined objectives which are regularly revised and modified;

(c) They must be locally accessible, i.e. within a reasonable distance of the pupil's home or residence; and

(d) They must be comprehensive, i.e. suited to all the persons having special needs, whatever their age or degree of disability.

187. The right of the disabled child to vocational training and employment. According to article 11 of the aforesaid Act of 14 March 1989, "the vocational training of disabled persons must make it possible for them to exercise an economic activity using their vocational knowledge or skills. This training can be received in the same conditions as able-bodied workers and with them. Those disabled people who, because of the nature or the seriousness of their disability, cannot receive such training in the company of able-bodied people, will be directed towards specialized vocational training centres".

188. For its part, article 13 of the 1989 Act sets forth the principle that "disability may not constitute an obstacle to the access of a citizen to employment if he or she has the skills needed to exercise it". And article 15 (bis) of the Act goes still further and institutes a series of positive protective measures including the obligation for every private or public enterprise subject to the Labour Code and employing at least one hundred wage-earners "to reserve one per cent of its posts for disabled persons".

189. Other measures were adopted in the same concern to promote the employment of disabled persons: exoneration of enterprises from certain social charges, exoneration of the goods produced by disabled person from taxation to facilitate their marketing etc.

190. The right of the disabled child to social security. The expenditure connected with care, rehabilitation and the supply of wheelchairs and other equipment needed for the movement and communication of disabled people is covered by one of the systems of insurance, social security or social solidarity. There can be early retirement for the benefit of the mother of a child suffering from a severe disability, providing the Prime Minister gives his approval (article 5 of Act No. 85-12 of 5 March 1985).

191. Social services. Full participation in the fundamental components of society is the basis of human experience. The right to this participation with equality of chances has been proclaimed since the adoption of the Universal Declaration of Human Rights. Until a few years ago, the results achieved in Tunisia in this area were very limited. Most disabled persons could not play an active part in social life because of various material

obstacles: doors too narrow for the passage of wheelchairs; steps preventing access to buildings and other services including, in the public domain, buses, trains and aircraft; unusable sanitary installations; telephones and light-switches out of reach, and so forth.

192. Since then, a wide programme of action has been introduced in perfect consultation with the organizations and associations representing the disabled persons, the components of which are as follows:

(a) A Higher Disabled Persons Council was established by Decree No. 2051 of 22 December 1988 consisting, in addition to the representatives of ministries and other organizations responsible for questions of concern to disabled persons, of five representatives of disabled persons' associations;

(b) Regional commissions for disabled persons have also been set up in all the governorates, by Decree No. 1955 of 4 June 1990, and are responsible inter alia for defining appropriate measures to ensure the rehabilitation of disabled persons in their respective regions;

(c) Disabled persons have the right to transport free of charge: completely free for urban transport and semi-free for interurban transport;

(d) There is exemption from customs duties, also, for the benefit of disabled persons on the occasion of importation of tourist vehicles specially fitted for their use;

(e) It has been decided that all public buildings shall be refitted with a view to rendering them accessible to all and particularly to disabled people; and

(f) Assistance is given to associations representing disabled persons in the form of subsidies and various types of aid, particularly with respect to the training and recruitment of instructors and other specialists made available to such associations.

3. Future difficulties and prospects

193. Despite the distinct improvement in the living conditions of disabled persons - particularly children - and the unprecedented means applied by the public authorities, a certain number of disabled persons are still excluded from social and cultural life. For many of them, the awareness of being kept apart from normal social relationships is a source of psychological and social problems. The responsibility for this state of affairs is that of society as a whole: public opinion, which is sometimes unaware of the needs and factual situation of disabled persons and associations and organizations representing the disabled person, which must intensify their sensitization and public education programmes, but the primary responsibility rests with the public authorities which are fully aware of the situation and determined to continue and intensify their programmes for the protection and advancement of disabled persons.

C. Health and medical services

194. Since the morrow of independence, Tunisia has been engaged in a development process based on the enhancement of its human resources which constitute its wealth. Consequently, the Tunisian State has applied an advanced social policy, the purpose of which is to enhance human resources. Education, health, emancipation of women and the rights of human beings are the priorities for sustainable development.

195. The Tunisian health system has developed a policy founded upon basic health care which gives priority to mother and infant care, the prevention of epidemics and the campaign against certain social evils together with the treatment of ordinary illnesses and the dispensation of essential medicines. In this way, various programmes have been implemented which have made it possible to eradicate certain diseases such as malaria (in 1979), bilharzia (in 1983/84) and trachoma, which were the great causes of sickness, disablement and death among children.

196. Several specific children's programmes have been established, such as the National Vaccination Programme (PNV) (1980), the Anti-Diarrhoea Campaign (1980), the Campaign Against Acute Respiratory Infections (ARI) (1992) and the Nutritional Supervision Programme (1990/91). At the same time, the maternal and child health programmes (strengthened in 1989/90) have made it possible to ensure effective monitoring of pregnancy, delivery and the growth of the new-born babies, by integrating this into the family-planning and fertility-control activities.

197. Moreover, hospital care has been developed to meet the requirements of the population in terms of specialist care, particularly in general surgery, gynaecology, obstetrics and paediatrics. University hospitals have been established around the faculties of medicine to constitute the tertiary level of highly-specialized care and the last resort from the other levels. These structures have also the task of training key health-care personnel and participating in the various research programmes and preventive activities.

198. At the preventive level, various activities are worth mentioning such as the prevention of water-born illnesses. In 1991/92, the entire urban population was supplied with drinking-water, as against a rate of 65.6 per cent not so supplied in the rural areas. Since 1990, there has been a distinct improvement in the quality of drinking-water and the percentage of the population having decent drinking-water at home or in a reasonably accessible place increased from 60.7 per cent to 86 per cent in 1992. The main activities of this programme were controlling the bacteriological and physico-chemical quality of the water supplied, identifying dangers of degradation of water quality and monitoring the hygienic quality of the water works.

199. Whereas 100 per cent of the urban population has adequate and hygienic disposal of domestic waste water, only 21 per cent of the rural population has hygienic sanitation. In 1991, 56 per cent of the population was connected to a sewage system and the target is to reach 62 per cent in 1996. The number of sewage works, which had been 25 in 1991, will be 68 in 1996. There is regular bacteriological testing of the waste water before and after treatment. Particular attention is given to monitoring the treated waste water reused in agriculture.

200. As for food hygiene, supervision of food establishments, and more particularly of food industries manufacturing mass consumption products, has been strengthened since 1990.

201. In the context of its participation in an ecological-epidemiological study designed to determine the respiratory effects in the schools of air pollution, the Ministry of Public Health carried out a study of chemical pollution of the air in a suburb of the capital (Ibn Khaldoun) by monitoring two indicators: sulphur dioxide and its particular substances and black smoke. In parallel, an ecological-epidemiological observatory was set up in the Gabès region which is carrying out research into the respiratory effects of the chemical pollution of air in schools.

202. A health-education programme accompanies all these activities, its main purpose being to assist people to acquire knowledge with a view to changing their attitudes and habits so as to improve their state of health, particularly in the context of drinking-water projects in the rural areas. School-children are often selected as the target population in most regions. This is due to the fact that the child is receptive and can constitute an excellent channel to his or her family and neighbours, particularly in the country.

203. In 1992, a National Plan of Action for the Survival, Protection and Development of Children was prepared. It is designed to:

(a) Reduce the rate of infant mortality to 25 per mille and the rate of mortality of children under five years of age to 30 per mille by:

(i) The elimination of poliomyelitis and neonatal tetanus in 1996;

(ii) Maintaining the rate of immunization coverage of infants under one year of age by the six antigens at a minimum of 90 per cent;

(iii) Reduction of the mortality due to diarrhoea-linked illnesses in children under five years of age from 1.8 per mille to 1 per mille in 1996 and to 0.5 per mille in the year 2000;

(iv) Reduction of the frequency of cases of serious or moderate malnutrition among children between 3 and 36 months old from three per cent to two per cent in 1996 and to one per cent in the year 2000; and

(v) Reduction of mortality due to acute respiratory infections among children under five years of age by 30 per cent in 1996 and by 50 per cent between now and the year 2000;

(b) Reduce the rate of maternal mortality from 70 to 50 per 100,000 live births by 1996 and to 35 per 100,000 live births by the year 2000, by:

(i) Improving the coverage of pregnant women with two doses of antitetanus vaccine to 75 per cent in 1996 and to 90 per cent in the year 2000;

(ii) Ensuring appropriate care of 60 per cent of the pregnancies identified as being at risk in 1996 and 80 per cent of them in the year 2000;

(iii) Fifty per cent coverage of mothers by a postnatal consultation in the two months following the delivery in 1996 and 75 per cent in the year 2000; and

(iv) Improving the rate of delivery in an assisted environment in the rural areas to 70 per cent in 1996 and to 80 per cent in the year 2000;

(c) Guarantee drinking-water supplies and sewage systems to all, particularly in the countryside, by ensuring that there is a source of drinking-water less than one kilometre away from the place of residence of 90 per cent of the rural communities in 1996 and 98 per cent of those communities in the year 2000, and ensuring that 75 per cent of the rural communities have hygienic sewage systems in 1996 and 85 per cent in the year 2000.

204. These objectives are so many commitments which the national community has pledged itself to achieve by the year 2000 and which will require a sustained and collective effort, by virtue of which the children should be the first to benefit, in this area, from the progress being made by society as a whole. It is only in this way that the child will be able to enjoy completely the right to health which is, ultimately, the right to life.

D. Social security and child-care services and facilities

1. Social security

205. By its article 26, the Convention seems to adopt the widest concept of social security, that which is enshrined in article 22 of the Universal Declaration of Human Rights in which it is stated that "Everyone, as a member of society, has the right to social security ...". In Tunisia, major efforts have been made in this area of social security. Inter alia, systems of sickness insurance and family allowances have been developed which make it possible to cope with the various hazards of modern life and the various needs of workers and their families:

(a) Family allowances for the first three dependent children;

(b) An increase in the single wage for the first three dependent children;

(c) Orphans' pension equal to 30 per cent of the retirement or invalidity pension (private sector) and to 10 per cent of the retirement pension (public sector) which is paid up to the age of 21 years or, without consideration of age, for orphans who are disabled and unable to exercise a remunerated activity.

206. These data reveal that the child benefits from social security through the agency of his parents, who are socially insured. Nevertheless, poor children and abandoned children receive just as much free care and various types of social services and assistance supplied by the social solidarity organizations and the various programmes of assistance to needy families.

2. Child-care services and facilities

207. Echoing article 18, paragraph 3, of the Convention, several measures have been adopted in Tunisia to encourage the establishment of nurseries and kindergartens: loans by FONAPRA (National Fund for the Promotion of Handicrafts and Small Businesses), exemptions from customs duties for the import of equipment used for educational and social purposes (Decree No. 1436 of 3 August 1992), subsidies of 50 per cent from the Ministry of Youth and Infancy and the local authorities to build nurseries and kindergartens, etc. Other similar establishments are being increasingly set up by private enterprises themselves in the context of collective agreements or, more generally, of the social activities proper to the enterprises.

208. Lastly, facilities have long been open to the female worker to enable her to carry out her maternal duties and responsibilities:

- Breast-feeding room compulsory in enterprises with more than 50 employees;

- Two breaks for breast-feeding, each 30 minutes long, for an entire year after delivery (article 64 of the Labour Code); and

- Maternity leave and the possibility of obtaining in addition, release for a period of two years, renewable twice, etc.

209. As for the future, the new Investment Code, adopted by the Chamber of Deputies on 21 December 1993, regards child-care institutions (nurseries and kindergartens) as being institutions participating in development and, consequently, as benefiting from the legal, financial and tax advantages granted by the new Code. In the same concern to promote child-care services and establishments, it was decided, at a ministerial meeting presided over by the Head of State on 4 August 1993, that the social-security facilities would, in future, reimburse a portion of the costs arising from these child-care activities.

E. Standard of living

210. Since its independence in 1956, Tunisia has made immense efforts to achieve economic and social development. In the first place, it endeavoured to establish an economic infrastructure capable of promoting development by laying the foundations for a structured industry designed to make the most of national wealth and to improve the exploitation of the agricultural potential.

211. Despite a doubling of the population, the per capita income in real terms more than doubled between 1956 and 1991. The poverty which, on the morrow of independence, affected two-thirds of the population has lessened from year to year and, according to the latest consumer survey, was limited to only 6.7 per cent in 1990. The school-attendance effort made has achieved a significant improvement in qualifications and a notable strengthening of literacy which, at the end of 1991, was almost 63 per cent as against a bare 13 per cent in 1956.

212. Despite the improvement in the standard of living of the population, some pockets of poverty still persist and support programmes have been developed to assist families in need. In 1992, 212,861 persons benefited from an assistance estimated at more than D 6 million and a socio-educational and

nutritional programme, for children under school age, reached 17,624 children. These programmes were developed with the Union Tunisienne de Solidarité Sociale (UTSS). Other one-off activities are carried out on the occasion of national or religious festivals, the beginning of the school year, and so forth.

213. All the programmes and activities undertaken have made a very significant contribution to improving the survival and development of the child. The rate of infant mortality has fallen from 175 per mille in 1950-1955 to 52 per mille in 1984/85 and to 41.8 per mille in 1991 (45.8 per mille among boys as against 37 per mille among girls). The rate of juvenile mortality was estimated in 1991 at 2.8 per mille (2.6 per mille for girls and 2.8 per mille for boys).

214. All these activities and programmes are for the benefit of all children, without discrimination as to sex.

215. The possibility of establishing a standardized national system of health information is being considered. It would make it possible to have relevant and up-to-date health statistics comprising management, epidemiological and economic data, to assess the results of the programmes undertaken and to fix the priorities for future development. Between now and the year 2000, efforts will be concentrated on achieving the objectives established in the context of the National Action Plan for the Survival of Children.

216. As from 1994, activities will be integrated into a more comprehensive approach to family health which will examine the individual and his or her relationships with the other members of his or her family from the preconception stage (prevention of genetic and hereditary illnesses and the resultant disabilities) up to old age (specific care for elderly people).

217. In this comprehensive approach, the child will continue to benefit from particular attention at the most vulnerable periods in his or her life (perinatal, early infancy and adolescence) and more will be done to ensure a better quality of life and greater development (balanced diet, psychomotor development and harmonious affectivity, preventive measures, early detection and treatment of disablement, healthy sexuality and so forth).

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

218. The States commit themselves to ensuring the effectiveness of the right to education, particularly by:

(a) Expressly stating that primary education is "compulsory and available free to all";

(b) Encouraging the development of different forms of secondary education, both general and vocational, making them "available and accessible to every child";

(c) Making higher education accessible to all "on the basis of capacity"; and

(d) Taking steps to encourage "regular attendance at schools and the reduction of drop-out rates".

219. These principles were also at the heart of the concerns of the Heads of State and Government at the World Summit for Children. On that occasion, a commitment was undertaken towards the children of the 1990s to ensure, for the year 2000, the following objectives:

(a) Expansion of early childhood development activities;

(b) Universal access to basic education, including achievement of primary education by at least 80 per cent of primary school-age children or of a comparable learning standard, with emphasis on reducing the current disparities between boys and girls;

(c) Reduction by half of the adult illiteracy rate, with emphasis on female literacy;

(d) Availability of vocational training and preparation for employment; and

(e) Increased acquisition of the knowledge, skills and values required for better living by children and their families through all educational channels, including the mass media and other modern and traditional forms.

220. These objectives fit well into the situation of education in the world which was deemed very worrying at the last World Conference on Education for All, held in March 1990 at Jomtien, Thailand, under the auspices of the World Bank, the United National Development Programme, UNESCO and UNICEF, which was attended by 2,000 educational experts from more than 150 countries or, in other words, representatives of nearly all the countries of the world.

221. This situation is explained, in particular, by reasons connected with the debt crisis and the heavy cuts in public expenditure. "During these years", stated Federico Mayor, Director-General of UNESCO, "we have seen an unprecedented halt in the growth of basic educational services, together with a stagnation and a deterioration in the quality of teaching ... In almost one half of the developing countries, the objective of universal primary education has receded rather than approached".

222. In this connection, it was noted that, in 1990, almost 100 million children aged between six and eleven years were not attending school (60 per cent of them being girls) and that one adult in every four - about one billion persons - were unable to read or write (two-thirds of them being women).

223. In this rather distressing picture of the educational situation in the world, and more particularly in the developing countries, Tunisia, generally speaking, appears as one of the countries practising a sustained and voluntarist policy in this area (cf. The State of the World's Children 1993 of UNICEF):

(a) The net rate of registration in primary education (i.e. the total number of children registered in the schools and belonging to the appropriate age group, expressed as a percentage of the total number of children belonging to this same age group) was in 1986-1990 99 per cent of boys and 90 per cent of girls;

(b) The percentage having successfully accomplished the entire duration of primary schooling was, in 1985-1987, 72 per cent;

(c) The gross rate of registration in secondary education (i.e. the total number of children registered in the secondary schools, whether or not they are of the appropriate age to attend the school, expressed as a percentage of the total number of children belonging to the age groups corresponding to this level of education) reached 50 per cent of boys and 39 per cent of girls in 1986-1990;

(d) The adult literacy rate, which had been 44 per cent (men) and 17 per cent (women) in 1970, increased to 74 per cent (men) and 56 per cent (women) in 1990; and

(e) The number of receiving sets per 1,000 inhabitants was, in 1989, 188 (radio) and 75 (TV).

224. The statistical data set out above largely confirm the priority place given to education in the strategy for the economic and social development of Tunisia. The National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children in the 1990s, prepared in October 1991, nevertheless calls for a redoubling of efforts with a view to achieving, inter alia, the following objectives:

(a) The generalization of basic education with the intent of reaching by the year 2000 the rate of 80 per cent of children aged between 6 and 14 years completing the entire duration of primary schooling;

(b) Reduction of the rate of school drop-outs from 7 to 5 per cent in 1996 and to 3 per cent by the year 2000; and

(c) Reduction of the rate of failure in the schools from 21 per cent to 8 per cent in 1996 and to 5 per cent in the year 2000; etc.

225. These objectives are largely achievable following, in particular, the reforms to the educational system which were summed up in the above-mentioned Act No. 91-65 of 29 July 1991. We read there, in particular, that "the State guarantees, free of charge, to all those of school-attendance age, the right to schooling and offers to all the pupils, so long as they are able to pursue their studies regularly in accordance with the regulations in force, the maximum equality of chances to benefit from this right ..." (article 4 of the Act). Article 7 adds an equally salutary provision, whereby basic education - the duration of which is fixed at nine years by article 8 - "is compulsory from the age of 6 onwards until the age of 16 years, for every pupil able to pursue regularly his or her studies ...".

226. On 27 June 1988, Tunisia ratified ILO Convention No. 142 "Concerning Vocational Guidance and Vocational Training in the Development of Human Resources, 1975" and thus committed itself to giving a new impetus to actions and programmes which have, since independence, constituted a major concern of its economic and social policy.

227. This report has already presented the chief legislative and regulatory measures adopted in 1993, in the framework of the comprehensive reform of training, information and vocational guidance policy (see paras. 10-12). By these various measures, the Ministry of Vocational Training and Employment has

implemented an overall strategy designed to strengthen the regional and local offices responsible for information and vocational guidance by giving them effective instruments and working equipment, by establishing a training plan for staff responsible for this function and by modernizing the backup for the work of informing young people. This reform is intended to assist young people, by supplying information and by advice and consultations, to select after due reflection the training courses corresponding to their aptitudes or likely to assist them in obtaining employment.

228. Reform of the apprenticeship system is another major feature of the Vocational Training and Guidance Act (chap. IV, section II); it is intended to enable people aged between 15 and 20 to have access to a training that will provide them with skills. Apprenticeship is a form of initial training carried out in a vocational environment; nevertheless, apprentices attend vocational courses in vocational training establishments, together with general education intended to improve their theoretical and vocational knowledge.

229. In the course of their training, apprentices benefit from a number of guarantees contained in the apprenticeship contract which binds them to the apprenticeship masters as well as from an allowance paid by the enterprise which is fixed by the collective labour agreements or by the special statutes of public enterprises. However, minimum figures for this allowance will be established by decree.

230. In parallel with the legal and regulatory aspects, the Ministry of Vocational Training is applying a strategy designed to develop and update the apprenticeship training programmes, to enhance the technical competence of the persons in charge of the apprentices and to strengthen the possibilities of training centres to receive apprentices for their complementary training.

B. Aims of education

231. The Convention on the Rights of the Child does not limit itself to proclaiming the right of access of all children to education but also concerns itself usefully with the major principles which should govern State policy in this area (art. 29).

232. These principles have been largely echoed in article 1 of the above-mentioned Act of 29 July 1991, in which it is stated inter alia that the educational system is designed to:

(a) Offer young people, from their earliest childhood, what they should learn in order to consolidate within them awareness of Tunisian national identity, to develop civic sense and the feeling of belonging to the national, North African, Arab and Islamic civilization and to strengthen their openness to modernity and human civilization;

(b) Bring up the young generations in faithfulness and loyalty to Tunisia;

(c) Prepare young people for a life which has no room for any kind of discrimination or segregation based on sex, social origin, race or religion;

(d) Give the pupils a command of the Arabic language, the national language;

(e) Ensure that pupils achieve a command of at least one foreign language so that they can have direct access to the production of universal thought, technology, scientific theories and human values, and are prepared to follow the development of such thought and to contribute thereto in a manner appropriate to achieve the enrichment of national culture and its interaction with universal human culture; and

(f) Offer pupils the right to develop their own personalities and assist them to accede by their own efforts to maturity in such a way that they are brought up in the values of tolerance, moderation, etc.

233. The reminder of this set of objectives, as set forth in the Convention on the Rights of the Child and in the aforesaid Act of 1991, recalls a fundamental principle: that of the need to put the child on his or her guard against ideological recruitment and religious extremism. This requires that the State, responsible for safeguarding the right of the child to education, establish the structures and the legal and educational instruments needed to ensure the full achievement of the objectives and principles assigned to education and takes care to guarantee effectively the protection of the child against the various underhand or declared practices by which some people find among children a field particularly favourable to the exercise of ideological or religious recruitment.

234. This is the approach adopted in Tunisia, largely through the promulgation of decrees applying the 1991 Act and the comprehensive reform policy decided upon by the Head of State and carried out by the Ministry of Education and the Sciences, in close cooperation with all those active in this area (teachers and their representatives in the various pedagogic and trade-union structures) and in which national associations (the children's parents, the Organisation de l'Education et de la Famille, etc.) and international cooperation organizations take an active part.

C. Leisure, recreation and cultural activities

235. Under article 31 of the Convention: "States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts." By a decree dated 13 February 1989, the Ministry of Youth and Sports changed its name to the Ministry of Youth and Infancy. This change reveals a development in State policy: the will to pay more attention to the childhood sector and to give absolute priority to educational programmes for the benefit of children and young people.

236. The programme proposes leisure activities, the educational purpose of which is to encourage not only the individual physical and mental development of the children but also their socialization and integration into all areas of life. The institutions managing this programme are dependent upon the Ministry and cooperate with young people's organizations and associations to try and reach the maximum number of children and young people.

237. Children's clubs receive children between 6 and 14 years of age. They are distributed throughout the entire Republic and nearly all of them are managed by the Ministry in cooperation with the local authorities. They function full time during the school holidays and public holidays (apart from religious festivals).

238. The rural clubs and houses for young itinerants receive the young people in the countryside. They are distributed throughout the rural areas and function with mobile teams. They, too, are managed by the Ministry in cooperation with the local authorities.

239. The youth centres receive young people from the age of 14 years onwards in specialized clubs (theatre, dance, music, science, calligraphy, photography, videos, literature, languages, philosophy, electronics, data processing, etc.) and on sports fields where the infrastructure and equipment are available. Like the preceding institutions, they are managed by the Ministry in cooperation with the local authorities.

240. The holiday training centres receive young people for courses in the techniques of social and educational stimulation during the school holidays and for scientific camps; they offer camping sites and also provide for the accommodation of groups of holiday-makers.

241. A social and cultural stimulation programme began in 1991, its objective being to generalize and stimulate culture in all the schools - primary and secondary - throughout the Republic. Substantial funds have been allocated to this programme which, moreover, has benefited from a wide scheme of training teachers so that they can give better guidance to socio-cultural and sporting activities. In 1992, the programme reached 9.72 per cent of primary school children and 31.6 per cent of secondary school children. The objective is to reach 90 per cent by the year 2000.

242. The promotion of cultural activities among children is a constant concern of the country's cultural policy. The Ministry of Culture gives priority to the childhood sector in the various aspects of its activities. The Ministry's actions in this sector are multifarious and touch upon the following areas.

243. Encouraging cultural production for children. Subsidies are given to authors and publishers connected with literary and artistic production to assist them to publish children's books. Subsidies to encourage theatre productions for children are given to troupes at both the production and the distribution levels.

244. Encouragement of cultural diffusion for children. There has been an increase in the budget devoted to strengthening the funds of the public libraries, which currently number 205 with a stock of 925,989 books; 23 library buses serve the rural areas and lend books to children in the districts and the schools.

245. Cultural stimulation of children. The 200 cultural centres devote a major part of their programmes of activities to children, offering them a great variety of cultural and recreational activities appropriate to their age. Specialized clubs, headed by competent trainers, initiate, guide and form the child in various cultural areas, according to his or her interests and gifts, everything being based on the child's own free choice (music, singing, corporal expression, the plastic arts, cinema and photography and scientific initiation activities). Cultural manifestations are organized periodically (film weeks, plays, choirs, painting and drawing competitions, educational games, do-it-yourself, and so forth).

246. The year 1993 saw the establishment of a national puppetry centre which will consolidate the institutions already in place and enrich and vary

cultural production for children. The centre has adequate operational spaces and the financial and technical resources to produce plays for children, to ensure diffusion of the art of puppetry throughout the country and to contribute to the training of specialists in that art.

247. Children's festivals are usually organized during the school holidays, with a view to making known works created for or by children through specific programmes. Three national festivals for children and 23 specialized regional ones are organized annually, in addition to the activities organized for children in the context of the 275 general cultural festivals that Tunisia holds every year.

VIII. SPECIAL PROTECTION MEASURES

248. The right of the child to protection is a major component of the Convention on the Rights of the Child, its foundation being the weakness of the child, whether physical, moral or intellectual. This right to assistance must be respected, in the very first instance, by the parents who, by the very fact of the birth, have contracted a debt towards an uncompleted being whose physical and emotional needs depend entirely on the adult. That is why the first role of the State, it should be remembered, is to assist those with primary responsibility for the child - the parents - to obtain a better understanding and carry out more effectively their responsibilities in that area.

249. However, the blood link, even if it comes before all others, is not necessarily a guarantee of immunity from manifest neglect and abuse. If the responsibility of parents to their children is the cornerstone of the children's security and development, it is also the cornerstone of State intervention, whether it be social or legal.

A. Children in situations of emergency

250. In accordance with article 22 of the Convention, Tunisia, being concerned at the humanitarian aspect of the situation of refugee children and their parents, does its utmost to give aid and assistance to refugees. Bosnian children and their parents have found refuge in Tunisia and are supported by both the authorities and non-governmental organizations.

251. Since its independence, Tunisia has enjoyed social peace, has a policy of good neighbourliness and is developing a policy of peace among the nations.

B. Children in conflict with the law

252. Article 40, paragraphs 2, 3 and 4, of the Convention define, in this connection, the minimum guarantees which the States parties must make available "to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence". These provisions have been spelt out in other international instruments, including in particular: resolution 45/112, adopted on 28 March 1991 by the General Assembly, entitled "United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)" and resolution 45/113, adopted on 2 April 1991 by the General Assembly, entitled "United Nations Rules for the Protection of Juveniles Deprived of their Liberty".

253. Tunisian law largely enshrines the principles and ideals contained in these international instruments by recognizing, for the benefit of young delinquents, the right to a specific treatment both in respect of the administration of justice for minors and the punishments to which minors can be sentenced, particularly by banning capital punishment and imprisonment for life.

1. Administration of justice for minors

254. A quick reading of the provisions of chapter VII of the Code of Criminal Procedure, as amended by the above-mentioned Act No. 93-73 of 12 July 1993, confirms the desire of the legislature to give the deviant child a special protected status and a form of justice adapted to his or her situation, nourished by the principles of humanitarian law in this area and enlightened by the data of human and social sciences:

(a) Children's courts: right to a specific treatment:

(i) Article 224, paragraph 1 (new): "Children between the ages of 13 years and 18 years to whom a criminal offence is imputed shall not be brought before the ordinary criminal courts. They shall come under the jurisdiction of the Minors' Judge or the Juvenile Criminal Court";

(ii) Article 227: "The President of the court of first instance shall appoint one of the judges of that court to act as juvenile judge. At the headquarters of each court of first instance, one or several examining magistrates and one or several government procurators shall be specially responsible for cases concerning minors";

(b) Investigatory procedure: social and psychological inquiry. The procedure is a simple one, the examining magistrate deals with a case in his own chambers and in the presence of all persons having an interest in the case, so that he can listen to the expectations of the child and his or her family and the suggestions made to him by the multidisciplinary team which surrounds him:

(i) Article 234: "The Minors' Judge shall, in all diligence, carry out all investigations useful for finding out the truth and obtaining a knowledge of the minor's personality, as well as of the means appropriate for his or her education ...";

(ii) Article 234, paragraph 4 (new): "He shall collect, by a social inquiry, information concerning the material and moral situation of the family, the character and background of the minor, his or her school attendance and attitude to the school and the conditions in which he or she has lived or has been brought up. If necessary, he shall order a medical examination and a medico-psychological examination of the minor";

(iii) Article 234, paragraph 5 (new): "He shall order, if appropriate, that the minor be placed in an observation centre. In the interim, the specialists shall study the psychological, medical and sociological aspects of the minor's

personality and shall submit a report to the Minors' Judge within one month of the date that the minor has been placed in the centre. This deadline can be extended only in the case of necessity and only for one further month";

(c) Article 237 (new): "The Minors' Judge or the Minors' Examining Magistrate shall inform the parents, tutor or guardian, if known, of the legal proceedings in advance. If the minor or his legal representative has not chosen counsel, they shall appoint or have appointed by the President of the Court an assigned counsel ...";

(d) Non-publicity of the hearings. Article 240, paragraph 2 (new): "Only the following persons shall be permitted to attend the hearings: the witnesses in the case, near relatives, the tutor, the legal representative or guardian of the minor, the lawyers, representatives of associations or institutions concerned with children and the supervisors of non-custodial surveillance";

(e) Rights of the defence and participation of the child. Article 239 (new): "The Minors' Judge shall reach a decision after having heard the child, the parents, the tutor or the guardian, the victim, the witnesses, the government procurator and the defence, and after consulting with two advisers specializing in the cases of children, who shall communicate their opinions in writing ... He can, if the interests of the minor so require, dispense the latter from making an appearance. In this case, the minor shall be represented by a lawyer, by his or her father or mother, his or her tutor, or the person who has custody of him or her".

2. Sentences passed on minors

255. The following legislation is relevant:

(a) Absence of all liability: children aged under 13 years. Article 38 of the Criminal Code: "A criminal offence is not punishable if the accused has not reached the age of 13 years at the time of the incident ...";

(b) Prohibition of capital punishment and reduction by half of terms of imprisonment: children aged between 13 and 18 years. Article 43 of the Criminal Code: "Delinquents over 13 years of age but under 18 years of age come under the criminal law. Nevertheless, if the penalty incurred is one of death or of life imprisonment, it shall be replaced by a term of imprisonment of 10 years. If the penalty incurred is a term of imprisonment, it shall be reduced by one half."

(c) Exceptional character of the penalty of imprisonment:

(i) Article 225, paragraph 1, of the Code of Criminal Procedure: "The Minors' Judge and the Juvenile Criminal Court shall, according to the case, prescribe the appropriate measures of protection, assistance, supervision and education". Paragraph 2 (new): "They may, exceptionally, when the circumstances and the personality of the delinquent appear to them so to require, pronounce against a minor over 13 years of age a criminal penalty. In such a case, the penalty shall be executed in a specialized establishment or, at any rate, in a block reserved for minors";

(ii) Article 238 (new): "A minor over 13 years of age, accused of an offence or of a crime, may not be held in a house of detention ... unless this measure appears indispensable or if it is impossible to make any other arrangement. In such a case, the minor shall be placed in a specialized institution or, at any rate, in a block reserved for minors, separating him or her at night, as far as possible, from the other detainees";

(d) Judgements against the minor: necessity to give reasons:

(i) Article 241 of the Code of Criminal Procedure: "If the facts are established with respect to the minor, the Minors' Judge shall decide, giving his reasons, on one of the following measures:

1. Consignment to his or her parents, to his or her tutor, to the person who had been his guardian or to a reliable person;

2. Placement in an institution or a public or private establishment approved for education or vocational training;

3. Placement in an approved medical or medico-pedagogic establishment;

4. Consignment to the children's assistance service; or

5. Placement in an institution appropriate to delinquent minors of school age";

(ii) Article 242 of the Code of Criminal Procedure: "In all the cases provided for in the preceding article, the measures shall be decided upon for the number of years specified, which may not go beyond the date on which the minor will have reached the age of 20 years ...";

(e) Exclusion of any term of imprisonment: the petty offences case. Article 230 (new): "Petty offences committed by minors over 13 years of age shall be submitted to the Minors' Judge sitting alone, the presence of the minor not being required unless his or her interests so necessitate. If the offence is established, the minor may either be reprimanded, sentenced to pay the fine provided for by the law or, if appropriate, placed under non-custodial supervision, but any term of imprisonment shall be excluded";

(f) Non-custodial supervision system:

(i) Article 251 of the Code of Criminal Procedure: "The supervision of minors placed under the non-custodial supervision system shall be carried out by paid permanent supervisors and by volunteer supervisors ...";

(ii) Article 252 of the Code of Criminal Procedure: "In all cases in which the non-custodial supervision regime is decided upon,

the minor, his or her parents and his or her tutor or guardian shall be informed of the nature and purpose of that measure and the obligations arising from it. The supervisor appointed shall report to the Minors' Judge in the event of bad behaviour or moral danger to the minor, of systematic obstacles placed in the way of the exercise of supervision, and in any case in which a modification of the placement or custody appears to him to be useful ...";

(g) Means of appeal:

(i) Article 245 of the Code of Criminal Procedure: "The Minors' Judge may, in all cases, order the provisional execution of his decisions pending appeal";

(ii) Article 248 of the Code of Criminal Procedure: "Judgements concerning the substance given by the Minors' Judge can only be appealed ... The appeal can be lodged by the minor, by his or her legal representative or by his or her counsel ...";

(h) Lack of force of res judicata. Article 225 of the Code of Criminal Procedure: "The Judge may also, at any time, at the request of the minor, his or her parents, or his or her tutor or guardian, modify the decisions he has taken without the appearance of the minor which have become definitive as a result of the expiration of the appeal times ...".

3. Treatment of children deprived of freedom

256. Very rarely, the judge pronounces a sentence of deprivation of freedom with respect to a minor. When such a measure is decided upon, the minor is placed in one of the establishments entitled "Observation and Educational Action Centres". Equated with first-cycle technical education colleges, they are now dependent upon the Ministry of the Interior having previously been placed under the auspices of the Ministry of National Education, then of the Ministry of Social Affairs and, next, of the Ministry of Justice. The minors are placed in the centres either for observation or for an educational action measure. Very few of them are placed therein as a punishment.

257. Most of the centres are for boys and are situated in the Tunis area. There is a single girls' centre, also in the Tunis area. In order to bring minor girls nearer to their families, a block for girls has been established in the boys' centre in the north-west, and another girls' block has been established in the boys' centre in the south.

258. The Observation and Educational Action Centres are required to carry out two essential functions: one of observation and one of educational action.

259. Observation is an important stage and minors are placed provisionally for this purpose. Its duration should not exceed three months and it includes the following stages:

(a) Reception period: The minor arrives in the Centre accompanied by a placement order issued by the Minors' Judge. A copy of the statement of the facts and, possibly, a copy of the preliminary social inquiry are transmitted to the Centre. The minor is received by the social service or the teacher responsible for reception. The first contact is intended to give the minor

confidence and show him or her around the Centre. A medical examination is compulsory during the reception period, and the social service begins studying the general problems involved in the case;

(b) Observation period: Further analysis of the family and social situation:

(i) Information concerning the minor's school record and, if he or she had been attending primary school or secondary school, his or her school results: did he or she leave the school of his or her own accord or was he or she expelled? When? How has he or she behaved?, etc.;

(ii) If the minor had been in a vocational training centre, the centre in question is contacted;

(iii) If the minor had been working or had been an apprentice, his or her employer is contacted;

(iv) Interview with the psychologist;

(v) Psychological examination and a first sketch of the personality of the minor, his or her aptitudes, aspirations, and so forth;

(vi) Psychiatric examination if necessary, i.e. if the case of the minor is a difficult one and there is clear evidence of troubled behaviour; and

(vii) Observation of the behaviour of the minors by the teachers responsible for the group life and guidance and vocational pre-training. It should be pointed out that a vocational pre-training programme lasting three months has been established for this period;

(c) Group meeting of the members of the team: Director of the Centre, group teachers, technical teacher, social-welfare assistant or teacher responsible for the social service, and the psychologist. Every member of the team submits a report on the minor, with his views, to the group meeting. The final synthetic report, drawn up by the Director of the Centre, is sent to the Minors' Judge with a proposal concerning what should be done for the minor: consignment to the parents, non-custodial supervision, placement in the educational action centre or other. It should be mentioned that an experiment has been carried out in a centre in the Tunis area, where the parents of minors attended the group meetings to sensitize them and implicate them in the decision to be taken with regard to their children.

260. The purpose of educational action is to give the young people experience of a healthy and regular life.

261. Social and cultural stimulation. Outside classroom and workshop hours, the minors are distributed in groups of 20 to 25 young people and entrusted to teachers responsible for guiding them in the various stimulation activities. Cultural evenings are organized, together with leisure and creative activities which enable the minor to amuse himself or herself since he or she had rarely had the opportunity, before the placement in the Centre, to obtain much

information or develop his or her participation in society and creative capacity. The stimulation techniques enable him or her to exteriorize himself or herself, express himself or herself and develop.

262. An important place is given to physical education and sports. This enables the young person to tire himself or herself out and to release his or her aggressivity. Incidentally, the fact that the young people participate in school competitions with the pupils of other secondary schools enable them to be recognized and become integrated into social life.

263. It should be pointed out that scouts troops have been set up in some centres. Moreover, the young people benefit from the school holidays at the same time as other pupils. Every national and religious feast day is celebrated in the Centre and this makes it possible for those who have not enjoyed holidays in the past to be informed concerning the festival by lectures, slides, films, etc.

264. Education and vocational training. Vocational training and employment, by reason of their important role in social integration, constitute an essential priority of the educational action. In order to enable the young person to compete in the search for work, he or she is offered a basic education programme together with a vocational education in keeping with the openings on the labour market. The centres offer particular vocational techniques connected with the guarantees for placement in employment according to the specific characteristics of the area in which the Centre is situated (agriculture, industry and so forth).

265. The vocational techniques offered cover various disciplines: general mechanics, automobile mechanics, building, carpentry, electricity, plumbing, metalwork, shoemaking, agriculture, data processing, etc. for the boys and sewing, hairdressing, weaving, embroidery, housework, child-care, etc. for the girls).

266. The minors are directed towards the training disciplines according to criteria concerning their educational level, aptitudes, motivation and aspirations. The guidance is usually given after the observation period on the advice of the Centre's psychologist. The training programme includes general education courses, literacy courses for those who have not attended school (their number is falling) and catching-up courses for those who had been attending school, adapted to their level of schooling. As for the technical training programmes, they are carried out according to the degrees and models of value units.

267. When the young person has been successful, he or she is given a vocational training certificate, just like those issued by the vocational training centres dependent upon the Ministry of Employment and Vocational Training. When the certificate was delivered by the Centre alone, the young person encountered difficulties in being employed on account of the prejudices existing in our society, since he or she was classed as a "delinquent". However, in order to give the young person the possibility of a diploma opening horizons for him or her, an agreement was signed with the Ministry of Education and the Sciences in 1987.

268. A technical training programme identical with that of the vocational colleges was established for those young people in the Centre who had the necessary basic level. In June 1988, that made it possible for 10 minors out

of 11 who presented themselves for examination to obtain a diploma of completion of technical studies in the disciplines of building, electricity and carpentry. In June 1989, 21 presented themselves and all obtained their diplomas. It should be pointed out that the young person who won the presidential prize in June 1991 for the diploma of completing technical studies was a young man from an educational action centre.

4. Prevention and social rehabilitation programmes

269. The public authorities are nevertheless aware of the limits of the system currently in force and are making an active attempt to introduce relevant reforms in the context of a national plan of preventive action and the social rehabilitation of young delinquents.

270. During the first scientific days on "juvenile delinquency: social changes and a strategy for prevention and social rehabilitation", organized in 1991 under the patronage of the Head of State by the Ministries of Social Affairs and Justice, various experts, university specialists and members of the social and legal services - including a large number of foreign experts - were required to study the various aspects connected with juvenile deviance and delinquency and to consider measures and solutions that might be included in the national plan for preventive action and for the social rehabilitation of young delinquents.

271. In that connection, it is noteworthy that there has been an increase in the number of offences committed by minors, particularly between the years 1975 and 1985 - when it more or less doubled - and it is also noteworthy that, for the year 1988 as an indication, of some 2,000 offences, 70 per cent were committed by children of 14 to 18 years of age, 33 per cent of whom were in employment, 33 per cent of whom were attending school and 34 per cent of whom had no activity (cf. the National Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children).

272. The main causes of deviance and delinquency were analysed (dropping out of school, social exclusion, poverty, the flight from the land, etc.) as well as the defects discovered in the prevention policy and the operational system of the social and legal services and of the establishments responsible for the rehabilitation of young delinquents. The participants in these days summarized their concerns and their main proposals in a Declaration including the minimal principles for a national plan for the prevention of delinquency and the social rehabilitation of young delinquents or pre-delinquents.

273. This set of proposals were then considered at meetings of restricted ministerial councils (CMR), presided over by the Head of State, both before and after the scientific days were held. Some practical measures were decided upon, including the adoption of the above-mentioned Act No. 92-94 of 26 October 1992, "to establish a pilot centre for the observation of minors". In parallel with this "pilot centre for the observation of minors", the administrative and financial organization of which and the operational modalities were specified by decree, other measures were decided upon consisting, in particular, of the waiving of "sanctions" applied to a number of young delinquents being rehabilitated, the definition of specific programmes for vocational training, social reintegration through employment, and so forth.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Children subjected to economic exploitation

274. By its article 32, the Convention on the Rights of the Child echoes other international protective instruments coming from ILO which deal more specifically with the question under consideration. Over the years, ILO has adopted ten conventions concerning the minimum age for admission to employment, designed to cover the various branches of activity and to establish a general standard initially of 14 and later of 15 years of age. In 1973, the time had come to codify these various instruments in a single convention, Convention 138 "concerning minimum age for admission to employment" which is a general convention making it obligatory for States to conduct a national policy of effectively abolishing the work of children and gradually raising the minimum age for admission to employment to a level making it possible for the adolescent to achieve a more complete physical and mental development. The minimum age for admission to employment must not be less than the age of completion of compulsory schooling and, in any case, must not be less than 15 years - 14 years as a first stage for countries which are insufficiently developed. A higher age of 18 years is specified for unhealthy or dangerous occupations.

275. Tunisia has not yet ratified Convention 138, the Minimum Age Convention, 1973, but it had previously ratified Convention No. 58, the Minimum Age (Sea) Convention (Revised), 1936, Convention No. 59, Minimum Age (Industry) Convention (Revised), 1937, Convention No. 112, the Minimum Age ((Fishermen) Convention, 1959, and Convention No. 123, Minimum Age (Underground Work) Convention, 1965.

276. The provisions of the Labour Code are, in general, in keeping with the international regulations. Article 53, for example, establishes the general minimum age for admission to employment at 15 years. Article 58 of the Labour Code provides for the possibility of fixing, by ministerial decision, a minimum age above 15 years where it appears that the work is dangerous for the life, health or morality of the persons engaged in it. However, the article 53 rule also has some exceptions permitting the age of admission to be lowered: thus the employment of children under 15 years of age is authorized in establishments in which only members of the family are occupied under the authority of the father, mother or tutor (article 54 of the Labour Code). The age of admission is also lowered to 13 years in agriculture "for work not harmful to the health and normal development of the children ..." (article 55 of the Labour Code). Lastly, the minimum age is reduced to 13 years in non-agricultural and non-industrial activities, which means, in fact, commercial or handicraft activities. A limit is, however, provided which fixes at two hours per day the maximum duration of work for children between 13 and 14 years of age and at four and a half hours for children between 14 and 15 years of age.

277. The integration of the adolescent into the enterprise usually takes the form of specific provisions to safeguard the child's health. In this connection, Tunisia has ratified Convention No. 6, Night Work of Young Persons (Industry) Convention, 1919, and Conventions No. 77 and No. 124, Medical Examination of Young Persons (Industry) Convention, 1946 and 1965. For its part, the Labour Code summarizes a high proportion of these provisions: ban on

night work, weekly rest and compulsory holidays, not liable to derogation, the complete ban on underground work, etc.

278. These provisions protecting children at work are designed to be effective and are thus both imperative and repressive. However, the view that these provisions are not always applied is not completely without foundation. There are various reasons for this relative ineffectiveness. Apart from the difficulties connected with the manifold tasks of the labour inspectors - notably their dual function of conciliation and control, and the inadequacy of their numbers as compared with the increasing number of enterprises, must be added those connected with the attitude of the children themselves and their parents: as long as the children and their parents receive work as a favour and a privilege which must be safeguarded, the means conferred upon them to overcome inertia and apply directly to the courts will remain insufficient. It might be said, in fact, that the precariousness of this situation affects their combativeness and imposes upon them a passive attitude in this area.

279. The Government is very well aware of the fact and, even if this phenomenon has not yet reached disturbing proportions in Tunisia, a broad programme of public sensitization and education has been launched in parallel with the gradual strengthening of administrative control. The increase in the standard of living of the population and the reform of the educational system are, moreover, factors which render it possible to reduce significantly the cases of economic exploitation.

2. Use of narcotic drugs

280. The use of narcotic drugs is formally forbidden in Tunisia. Act 52-92 of 14 May 1992 prescribes severe punishments for consumers and traffickers. The Act also specifies among the aggravating circumstances, that in which an offence is committed against a minor by exploiting him or her in the illegal trade in narcotic drugs; the punishment is then doubled.

3. The situations of children victims of neglect, violence or sexual abuse

281. It is true that, in Tunisia, the figures for children subjected to violence and to the various abuses described in this way are quite small or, in any case, do not seem to arouse major concern on the part of the public authorities. The natural enthusiasm for children is, in this connection, supported by the sacred duty prescribed by religion and the laws which the legislature has proclaimed in this area.

282. Article 224 of the Criminal Code punishes, in particular, "by five years' imprisonment and a fine ... any person who habitually ill-treats a child ... , placed under his authority or supervision, without prejudice if necessary to more serious penalties provided for violence and assault". The same article adds: "deprivation of food and care is regarded as ill-treatment, coming under the application of the preceding paragraph".

283. As for sexual abuse, article 228 of the Criminal Code provides a penalty of six years' imprisonment in the case of indecent assault "committed on a person of either sex, without his or her consent" and increases the term of imprisonment to twelve years "if the victim is less than 15 years of age". If, on the other hand, the indecent assault is committed "without violence" to the person of the child aged less than 15 years, the penalty is reduced to

"five years' imprisonment" (article 228 bis). Comparable punishments are also provided in the case of sexual relations undergone without violence by a female child: six years' imprisonment if the victim is under 15 years of age and five years if the victim is between 15 and 20 years of age (article 227 bis).

284. All these penalties are, incidentally, systematically doubled if the perpetrators of the sexual abuse "are parents of the victim, have some kind of authority over her, are her teachers, servants, doctors, surgeons or dentists, or if the assault is committed by several persons ..." (article 229 of the Criminal Code).

285. Lastly, we may add that the law is particularly severe in cases of rape, the punishment for which is death, under the provisions of article 227 of the Criminal Code, which adds that "there is considered to be no consent if the age of the victim is under 13 years".

286. The protection of the child against ill-treatment affecting his or her safety or development requires, in fact, that the right is not limited to "a fire-brigade operation". However exemplary the punishments in this area, they may prove inadequate to ensure the well-being of the child if they have not been preceded by a general preventive action in the various situations which give rise to protective measures. Article 19, paragraph 2, of the Convention provides in this regard, with respect to protective measures taken by the States parties, that they shall "include effective procedures for the establishment of social programmes to provide necessary support for the child and those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment ...".

287. It is, consequently, necessary that coherent and concerted measures be developed with a view to ensuring the complementarity needed between the objectives of social prevention and those of legal protection. The Tunisian State is perfectly aware of this and a commission - composed of university lecturers, magistrates, lawyers and social educators - has just been set up within the Ministry of Justice to prepare a code of protection for children, the purpose of which should, precisely, be to make it possible to ensure this complementarity between the objectives of prevention and those of social and legal protection.

4. Abduction of, sale of or traffic in children

288. Since these phenomena are unknown in Tunisia, there are no legal provisions to cover these situations. It should be mentioned, however, that the Child Protection Code which Tunisia intends to prepare will take account of these aspects, particularly those relating to the abduction of children.

D. Children belonging to a minority or an indigenous group

289. Tunisian society is characterized by its cultural, linguistic and ethnic homogeneity. Thus, the situation of children belonging to a minority or an indigenous group does not arise in Tunisia.